ACTS

Accession No. 33636
Received
Catalogued

OF THE

One Hundred and Third Legislature

OF THE

STATE OF NEW JERSEY,

AND

THIRTY-FIFTH UNDER THE NEW CONSTITUTION,

MORRISTOWN, N. J.:
VANCE & STILES, PRINTERS.
1879.

New Jersey State Library

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HENRY C. KELSEY,
Secretary of State.

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OF THE

One Hundred and Third Legislature

OF NEW JERSEY.

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Third Legislature.

CHAPTER I.

A Supplement to an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven, which reads as follows:

Section to be amended recited

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township com-

mittee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose, which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half year's interest until due; which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose," be amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee or board of finance and taxation of any such city, town or township, may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township, shall by ordinance or

Per centum of indebtedness that may be renewed.

Rate of interest.

resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor, comptroller, chairman of the township committee, or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder; which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor, comptroller, chairman, or other proper financial officer of said city, town or township, in a book to be provided for that purpose; *provided* this act shall only apply to bonds for which no sinking fund has heretofore been provided, and that hereafter on all such bonds reissued under the provisions of this act a sinking fund of not less than three per cent. per annum together with the interest on such bonds shall be raised in the annual tax levy of such cities.

How executed.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.

GEORGE B. McCLELLAN,
Governor.

WILLIAM J. SEWELL,
President of the Senate.

SCHUYLER B. JACKSON,
Speaker of the House of Assembly.

CHAPTER II.

An Act concerning the election of trustees of orphan asylum associations.

Associations may change the time of holding annual elections

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any incorporated orphan asylum association in this state to change the time of holding the annual election of trustees of such association, at any annual or special meeting of the association, by the affirmative votes of three-fourths of the members present at such meeting; *provided*, ten days' notice of the intention to propose a change in the time of holding such annual election shall have been given by at least two insertions in a newspaper printed and published in the county in which such association exists, within two weeks next preceding the meeting at which such change is voted upon; and if at such meeting it shall be decided, by the aforesaid vote, to hold the annual election immediately, such election may be held forthwith; and the trustees and officers whose terms of office would expire in that year shall vacate their several offices immediately upon the election of their successors.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.

CHAPTER III.

Supplement to the act entitled "An act to incorporate associations for the erection and maintenance of monuments and statues," approved March nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any association incorporated under the provisions of the act to which this is a supplement, whenever there shall be in the treasury of such association moneys which have been or shall be donated for the purposes for which such association was or may be incorporated, but not sufficient in amount to accomplish such purposes, to loan such moneys or any part thereof by order of and under the direction of the executive committee of such association at the legal rate of interest, and to invest the same either upon bond and mortgage on real estate, or in securities of the United States or of the state of New Jersey, or of any county within said state, and to keep the same invested until such time as the trustees of such association shall determine that the accumulations of interest together with the principal shall be sufficient for the purposes for which said association was incorporated. Authorized to loan and invest moneys.

2. *And be it enacted*, That such association shall have power to collect the moneys so loaned or sell the securities on which the same shall be invested, and all interest growing due thereon, under the direction of the executive committee of such association, and shall apply the moneys so derived to the purposes for which such association was incorporated, whenever the trustees shall determine, as provided in the preceding section. Collections of moneys loaned and interest due.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 4, 1879.

CHAPTER IV.

A Supplement to an act entitled "An act respecting railroads and canals," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-two of the act entitled "An act respecting railroads and canals," which reads as follows:

Section to be amended recited.

"62. *And be it enacted*, That so much of this act as authorizes the governor to commission persons designated by a railroad corporation to act as policemen for such corporation, and regulate their commissions, powers, duties, badge, compensation and the determination of their offices is hereby made applicable to the canal corporations of this state, and policemen so commissioned shall be designated canal police," shall be amended so as to read as follows:

Section as amended.

62. *And be it enacted*, That so much of this act as authorizes the governor to commission persons designated by a railroad corporation to act as policemen for such corporation, and regulate their commissions, powers, duties, badge, compensation and the determination of their offices is hereby made applicable to the canal corporations of this state, and policemen so commissioned shall be designated "canal police," and is also hereby

Made applicable to steamboat companies, &c.

made applicable to steamboat companies and corporations; and policemen so commissioned shall exercise their authority whilst upon the waters within the concurrent jurisdiction of this state and of other states, and whilst upon the wharves or landings of the said steamboat companies and corporations in this state, and shall be designated "steamboat police."

Approved February 4, 1879.

CHAPTER V.

An Act defining the power of public road boards, in the macadamizing of public roads and avenues in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any public road board of this state, now authorized by its charter, or the law under which it is organized, to macadamize the carriage way of any public road or avenue under its control, to a width not exceeding twenty feet, shall deem it expedient and advisable, by reason of the location of a railway track or tracks on any such public road or avenue, to lay a portion of said pavement on either side of said railway track or tracks, so as to conform to the existing condition of said road or avenue, it shall be lawful for said public road board, and it is hereby authorized and empowered to macadamize, to a width of not less than ten feet, on either side of said railway track or tracks, the carriage way of any road or avenue so circumstanced as aforesaid, over which said road board now has control; *provided, however*, that no public road or avenue shall be macadamized to a width exceeding twenty feet in the whole; *and provided further*, that nothing herein contained, shall in any way affect any existing law authorizing the assessment of the costs of macadamizing public roads or avenues under the control of any public road board of this state; but said costs, and all expenses connected therewith, shall be assessed upon all the property peculiarly benefited in the same manner as now provided by law, in respect to the laying out, opening and constructing of said avenues.

Authorized to macadamize on either side of railway tracks.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved February 4, 1879.

CHAPTER VI.

An Act for the government of cities.

Term of office to commence on the first day of January, succeeding election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities, having, by the ninth census, a population not less than twenty thousand, nor more than twenty-five thousand inhabitants, and having a board of assessors of taxation, whose elections occur within the time required by the charters of said cities for assessments of taxes to be made, the terms of office of said members of the board of assessors shall hereafter commence on the first day of January succeeding their election, and continue during the terms prescribed in said charters; *provided*, that all members of the board of assessors in said cities, now in office, shall continue in office until their successors are qualified.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 4, 1879.

CHAPTER VII.

A Supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Court to appoint proper persons to be present at executions of capital punishment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which judgment of death shall be given in any of the courts of this state against any person or persons, it shall be the duty of the court in which such judgment shall be given, and immediately after giving such judgment, to appoint and designate in writing from among the persons liable to

duty as grand jurors in the county in which such judgment is to be executed, twelve respectable persons, two of whom shall be physicians, whose duty it shall be to be present at the time and place of the execution of such judgment, and to attend upon and witness the same.

Persons so appointed to take an oath or affirmation and make a report in writing.

2. *And be it enacted*, That each of the persons so appointed as aforesaid, shall before entering upon the duty required of them by such appointment, take an oath or affirmation before the clerk of the court making such appointment, faithfully to execute and perform the duty required of them by such appointment, and truly to report and make known in writing under their hands to the court by which they were appointed, the time, place and manner of the execution of such judgment, and the names of all persons present thereat; and immediately after the execution of such judgment of death the said several persons appointed to witness the same as aforesaid, shall unite in a report in writing under their hands, to be addressed to the court by which they were appointed, in which shall be fully and particularly stated and set forth the time, place and manner of the execution of such judgment of death and the names of all persons present thereat, which report shall on the same day be filed with the clerk of the court in which such judgment was given.

Sheriff to appoint special deputies to attend execution.

3. *And be it enacted*, That it shall be lawful for the sheriff of the county in which such judgment is to be executed, not less than ten days before the time fixed for the execution of such judgment, to appoint and designate from among the residents and citizens of such county who are liable to serve as jurors therein, twelve reputable persons to serve as special deputies of such sheriff at the time and place fixed for the execution of such judgment; but nothing herein contained shall prevent such sheriff from appointing as many deputies to serve on the day fixed for the execution of such judgment as may in his opinion be necessary to preserve the peace; *provided*, that only twelve deputies to be appointed and designated as hereinbefore provided, shall be present at or witness the execution of such judgment of death; *and provided further*, that nothing herein contained shall prevent members of the family of the person or persons

Proviso.

Proviso.

against whom judgment of death shall have been given, not exceeding three in number, or any ministers of the gospel, not exceeding two in number, all of whom shall be designated by such person or persons, from being present at and witnessing the execution of such judgment of death.

Penalty for admitting persons other than those appointed and designated by law.

4. *And be it enacted*, That if any sheriff, under sheriff, deputy sheriff or jailer, shall procure, permit or suffer any other person or persons than those hereinbefore designated to be present at or witness the execution of any judgment of death, such sheriff, under sheriff, deputy sheriff or jailer, shall be liable to punishment as for a contempt of the court in which such judgment of death was given.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 6, 1879.

CHAPTER IX.

A Further Supplement to the act entitled "An act appropriating scrip for the public lands granted to the state of New Jersey by the act of Congress, approved July second, one thousand eight hundred and sixty-two," approved April fourth, one thousand eight hundred and sixty-four.

Notice to be given of vacant scholarships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of bringing to public attention, the condition of the free state scholarships in the state agricultural college, the board of visitors are hereby authorized to give such notice by letter, or posting, or by advertisement, of the counties to which the vacant scholarships belong, and the mode of filling them, as they may judge to be to the interest of the state.

2. *And be it enacted*, That bills incurred for the above named objects, properly certified by the president and secretary of the board, shall be audited by the comptroller, and paid out of the state treasury. Bills, how audited and paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1879.

CHAPTER X.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, one thousand eight hundred and seventy-five, require advertisements to be published in two of the newspapers printed and published in the county in which the lands are situate, at least four weeks successively, once a week next preceding the time appointed for selling the same, of which one shall be a newspaper printed and published at the county seat of the county in which the land advertised to be sold is situated, which provisions have not in all cases been known and complied with, whereby titles of certain lands may be deemed defective; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person or persons since the approval of the said amendatory act, shall be held to be invalid by reason of failure to comply with the provisions of said acts relating to the publishing of advertisements in newspapers; *provided*, that said sale or sales shall have Sales not to be held to be invalid. Proviso.

been advertised at least four weeks successively, once a week next preceding the time appointed therefor, in at least two newspapers printed and published in the county where the land is situated, whether either of such newspapers be published at the county seat or not; *and provided, further*, that all the other provisions of said last-mentioned act in relation to the publication of advertisements of sales of lands shall have been complied with; *and provided, further*, that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1879.

CHAPTER XII.

An Act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

Per centum of indebtedness that may be renewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state under the authority of law are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee or board of finance and taxation of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common

Bonds how executed.

council, township committee or board of finance and taxation of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor, comptroller, chairman of the township committee or other proper financial officer thereof, and shall have coupons attached for every half-year's interest until due, or may be registered, at the option of the holder, which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor, comptroller, chairman or other proper financial officer of said city, town or township in a book to be provided for that purpose; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township to establish a sinking fund, which shall be created either by a special tax of not less than three per centum on the issue herein provided for, to be raised in the annual tax levy or from collections of assessments for improvements in cases where the bonds hereby authorized to be reissued were originally issued to pay for street and sewer improvements in any such city, town or township, or both, at the option of the governing body thereof. Proviso.

2. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special tax annually levied and collected as other city, town and township taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee or board of finance and taxation of any said city, town or township, may dispose of said bonds at either public or private sale for the best Interest shall be raised and paid by a special tax annually levied and collected.

Bonds not to be sold at less than their par value.

price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

Repealer.

3. *And be it enacted*, That any act or acts or parts thereof inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved February 18, 1879.

CHAPTER XIII.

A Further Supplement to an act entitled "An act to extend the time for the completion of railroads, approved February twentieth, one thousand eight hundred and seventy-eight," which supplement was approved April third, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a further supplement, which reads as follows, to-wit:

Section to be amended, recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, six miles or more of whose railroad has been built, the time for the completion of which will expire during the year now current, be and they are hereby authorized and empowered to complete their respective railroads within five years from the passage of this act, anything in their charters or original acts of incorporation or the supplements thereto to the contrary notwithstanding;

Proviso.

provided, that in all other respects the said companies shall be subject to all the powers and restrictions contained

in their several acts of incorporation and the supplements thereto," be amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, six miles or more of whose railroad has been built or graded, the time for the completion of which has expired during the year last past, be and they are hereby authorized and empowered to complete their respective railroads within five years from the passage of this act, anything in their original acts of incorporation or the supplements thereto to the contrary notwithstanding; *provided*, that in all other respects the same companies shall be subject to all the powers and restrictions contained in their several acts of incorporation and the supplements thereto.

Time for completing road extended.

Proviso.

Repealer.

2. *And be it enacted*, That all acts inconsistent with this act, be and they are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

CHAPTER XIV.

A Supplement to the act entitled "An act respecting executions," revision, approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended recited

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which reads as follows, to wit:

"10. *And be it enacted*, That goods and chattels of every kind, not exceeding in value (exclusive of wearing apparel) the sum of two hundred dollars, and all wearing apparel the property of any debtor having a family

residing in this state, shall be reserved, as well after as before the death of the debtor, for the use of his family, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this state, except the same be issued on a judgment founded on a contract made before the fourteenth of March, one thousand eight hundred and fifty-one; *provided*, that nothing herein contained shall be deemed or held to protect from sale, under execution or other process, any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted; or to apply to process issued for the collection of taxes," be and the same is hereby amended, so as to read as follows, to wit:

Proviso.

Section as amended.

10. *And be it enacted*, That goods and chattels, shares of stock or interest in any corporation, and personal property of every kind, not exceeding in value (exclusive of wearing apparel) the sum of two hundred dollars, and all wearing apparel the property of any debtor having a family residing in this state, shall be reserved, as well after as before the death of the debtor, for the use of his family, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this state, except the same be issued on a judgment founded on a contract made before the fourteenth of March, one thousand eight hundred and fifty-one; *provided*, that nothing herein contained shall be deemed or held to protect from sale, under execution or other process, any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted; or to apply to process issued for the collection of taxes.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

CHAPTER XV.

An Act to provide for the summary investigation of county and municipal expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditures may have been investigated.

Justice of supreme court to cause summary investigation to be made.

Penalty for refusal or failure to obey orders of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

CHAPTER XVI.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Executor or administrator may prosecute by virtue of letters obtained in another state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any executor or administrator by virtue of letters obtained in another state may prosecute any action in any court of this state without first taking out letters in this state; *provided*, that such executor or administrator shall, upon commencing suit, file in the office of the clerk of the court in which such suit shall be brought an exemplified copy of the record of his or their appointment; *provided also*, that if security for costs be demanded, said executor or administrator shall file such security at the same time, and in the manner as the same is now required of non-residents who shall prosecute any action in this state.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

CHAPTER XVII.

A Further Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh one thousand eight hundred and seventy-four.

WHEREAS, By a supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, which was approved February seventh, one thousand eight hundred and seventy-six, it is provided that no board of education of any city in this state, or any committee or member thereof, shall disburse, order or vote for the disbursement of any public moneys in excess of the appropriation, respectively, to any such board or committee; *and whereas*, it sometimes occurs that a considerable period elapses between the expiration of the time for which appropriations have been made and the making of new appropriations; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of education to keep open the public schools under its charge, in anticipation of appropriations, for a period not exceeding three months after the organization of such board, and for that purpose to incur the necessary obligations not exceeding one quarter of the sum appropriated for the year immediately preceding; *provided* that this act shall not apply to counties having less than fifty thousand inhabitants or more than sixty thousand inhabitants. May incur obligations in anticipation of appropriations. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

CHAPTER XVIII.

A Supplement to an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any vacancy existing in the office of constable in this state by reason of resignation, Vacancy, how filled.

removal or death, such vacancy may be filled by the board of aldermen, common council, township committee or other legislative body of any incorporate city, town or township within this state; *provided*, that such vacancy so filled be only for the unexpired term.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

CHAPTER XIX.

An Act to repeal an act entitled "Supplement to an act to regulate elections," approved April eighteenth, anno domini, one thousand eight hundred and seventy-six, which supplement was approved March seventh, anno domini, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, two, three and four of said supplement to said act, and which reads as follows:

Recital of section to be repealed.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person attending at any college, theological seminary, academy, or other literary institution, in any township, ward, borough, or city, for the purpose of obtaining an education, shall be entitled to vote therein, nor lose his right at his former residence; *provided*, this act shall not apply to any such person who has removed and taken up his permanent residence in any such township, ward, borough or city.

Recital of section to be repealed.

"2. *And be it enacted*, That any person prohibited by this act, who shall vote, or offer his vote, knowing that he is not qualified, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at

hard labor, for any term not exceeding one year, or both, at the discretion of the court, before which such conviction is had.

"3. *And be it enacted,* That if any judge or inspector of election, shall, at any election held after the passage of this act, knowingly and wilfully receive or assent to receive the vote of any person who is prohibited by this act, shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court before which such conviction is had. Recital of section to be repealed.

"4. *And be it enacted,* That this act shall take effect immediately," shall be and the same is hereby repealed, and that this act shall take effect immediately. Repealer.

Passed February 20, 1879.

CHAPTER XX.

An Act to repeal an act entitled "An act concerning cities having a population of over one hundred and twenty thousand, and providing for conformity between the lines of wards and assembly districts in any such city," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That an act entitled "An act concerning cities having a population of over one hundred and twenty thousand, and providing for conformity between the lines of wards and assembly districts in any such city," approved April fifth, one thousand eight hundred and seventy-eight, which said act is as follows:

Recital of section to be repealed.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, which according to the last state census of this state, contained a population of over one hundred and twenty thousand, or any city which may hereafter acquire such population, it shall be the duty of the mayor and common council, or other municipal board corresponding thereto, and such mayor and common council, or municipal board of every such city are hereby directed, by resolution, to divide such city into wards, corresponding in number and boundaries to the assembly districts or parts of assembly districts within the limits of such city.

Recital of section to be repealed.

"2. *And be it enacted*, That such division of such city into wards, as provided for in the first section of this act, shall be made on or before the first day of May, after the passage of this act, and on or before the first day of May in each year whenever any change in the assembly districts in such city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines, or part or parts of assembly districts within such city.

Recital of section to be repealed.

"3. *And be it enacted*, That whenever under the terms of this act ward lines are changed as aforesaid, in any such city, no other wards shall exist or be in any way recognized therein.

Recital of section to be repealed.

"4. *And be it enacted*, That nothing in this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer.

Recital of section to be repealed.

"5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid, such common council or other municipal boards

establish an exact conformity between the ward lines and the assembly district lines, or part or parts of assembly districts within such city.

"3. *And be it enacted*, That whenever under the terms of this act ward lines are changed as aforesaid, in any such city, no other wards shall exist or be in any way recognized therein. Recital of section to be repealed.

"4. *And be it enacted*, That nothing in this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer. Recital of section to be repealed.

"5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also, all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid, such common council or other municipal boards shall consist of those elected from the wards as changed under authority of this act. Recital of section to be repealed.

"6. *And be it enacted*, That all acts and parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed. Recital of section to be repealed.

"7. *And be it enacted*, That this act shall take effect immediately," be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this repealer shall take effect immediately.

Passed February 20, 1879.

CHAPTER XXI.

An Act to repeal an act entitled "An act concerning cities containing more than two assembly districts, where all the assembly districts within any such city are completely and exclusively within the limits of such city, and embrace no territory outside of such city, and pro-

viding for conformity between the lines of wards and assembly districts in such city," approved April fifth, one thousand eight hundred and seventy-eight.

Recital by sections of act to be repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act concerning cities containing more than two assembly districts, where all the assembly districts within any such city are completely and exclusively within the limits of such city, and embrace no territory outside of such city, and providing for conformity between the lines of wards and assembly districts, in such city," approved April fifth, one thousand eight hundred and seventy-eight, which said act is as follows:

Section one.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, which now or hereafter shall contain more than two assembly districts within any such city, which assembly districts are completely and exclusively within the limits of such city, and embrace no territory outside of such city, it shall be the duty of the mayor and common council or other municipal board corresponding thereto, and such mayor and common council or municipal board of every such city, are hereby directed by resolution, to divide such city into wards corresponding in number and boundaries to such assembly districts exclusively embraced as aforesaid, within the limits of such city.

Section two.

"2. *And be it enacted*, That such division of such city into wards as provided for in the first section of this act, shall be made on or before the first day of May in each year, whenever any change in the assembly districts in such city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines within such city.

Section three.

"3. *And be it enacted*, That whenever, under the terms of this act, ward lines are changed as aforesaid in any such city, no other wards shall exist, or be in any way recognized therein.

Section four.

"4. *And be it enacted*, That nothing within this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to

such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer.

Section five. "5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by the authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over, as aforesaid, such common council or other municipal boards shall consist of those elected from the wards as changed under the authority of this act.

Section six. "6. *And be it enacted*, That all acts and parts of acts, general, public, local, or special, inconsistent with this act be and the same are hereby repealed.

Repealer. "7. *And be it enacted*, That this act shall take effect immediately," be and the same is hereby repealed.

2. *And be it enacted*, That this repealer shall take effect immediately.

Passed February 20, 1879.

CHAPTER XXII.

An Act to repeal chapter two hundred and sixty-three of the laws of one thousand eight hundred and seventy-eight, entitled, "An act relative to the boundaries of aldermanic districts or wards, in cities of this state."

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter two hundred and sixty-three of the laws of one thousand eight hundred and seventy-eight, entitled, "An act relative to the boundaries of aldermanic districts or wards, in cities of this state," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 20, 1879.

CHAPTER XXIII.

An Act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April third, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

Repealer.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved March fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

3. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved March sixth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That the act entitled "An act to amend an act entitled 'An act to reapportion the several

assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which act was approved March twelfth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

5. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

6. *And be it enacted*, That the act entitled "An act to amend an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which act was approved April fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

7. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April fifth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

8. *And be it enacted*, That the act entitled "An act to define and establish the boundaries of the several assembly districts of the county of Morris," which act was approved March fourth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

Repealer.

9. *And be it enacted*, That the act entitled "An act to define and establish the several assembly districts of the county of Mercer," which act was approved March twenty-ninth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

Recital of act to be revived, relating to the several assembly districts.

10. *And be it enacted*, That the act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, and which act reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts, equal in number to the number of members of the general assembly which said counties are entitled to elect, respectively, that is to say: the county of Cape May shall constitute one assembly district, to be composed of the several townships therein, and the city of Cape May.

Cape May county.

Atlantic.

"2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several townships therein, and the city of Atlantic.

Cumberland.

"3. *And be it enacted*, That the county of Cumberland shall constitute two districts: the first district to be composed of the first, second and third wards of the city of Bridgeton, and the townships of Fairfield, Downe, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the first, second and third wards of the city of Millville, and the townships of Maurice River, Landis and Deerfield.

Salem.

"4. *And be it enacted*, That the county of Salem shall constitute two districts: the first district to be composed of the townships of Lower Penn's Neck, Upper Penn's Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of the first and second wards of Salem City, and the townships of Elsinboro, Mannington, Upper Alloways Creek and Lower Alloways Creek.

Gloucester.

"5. *And be it enacted*, That the county of Gloucester shall constitute two districts: the first district to be composed of Woodbury City, and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Clayton, Franklin, Harrison and Woolwich.

Camden county.

"6. *And be it enacted*, That the county of Camden shall constitute three districts: the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware; the third district to be composed of Gloucester City, and the town-

ships of Centre, Haddon, Gloucester, Waterford and Winslow.

"7. *And be it enacted*, That the county of Burlington shall constitute four districts: the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Chester; the third district to be composed of the townships of Willingboro, Pemberton, North Hampton, West Hampton, Lumberton and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor. Burlington county.

"8. *And be it enacted*, That the county of Ocean shall constitute one assembly district, to be composed of the several townships therein. Ocean county.

"9. *And be it enacted*, That the county of Mercer shall constitute three districts, to remain as now composed. Mercer.

"10. *And be it enacted*, That the county of Monmouth shall constitute three districts: the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan. Monmouth.

"11. *And be it enacted*, That the county of Middlesex shall constitute three districts, to remain as now composed. Middlesex.

"12. *And be it enacted*, That the county of Somerset shall constitute two districts, to remain as now composed. Somerset.

"13. *And be it enacted*, That the county of Hunterdon shall constitute two districts: the first district to be composed of the townships of West Amwell, East Amwell, Lambertville, Delaware, Raritan, Readington and Kingwood; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon and Tewksbury. Hunterdon.

"14. *And be it enacted*, That the county of Union shall constitute three districts: the first district to be composed of the territory now comprising the first, second, third, Union.

fourth and eighth wards of the city of Elizabeth; the second district to be composed of the territory now comprising the fifth, sixth and seventh wards of the city of Elizabeth, and the townships of Union, Springfield, Cranford and Linden; the third district to be composed of the territory now comprising the four wards of the city of Rahway, and the townships of Plainfield, Westfield, Summit, New Providence and Clark.

Warren. "15. *And be it enacted*, That the county of Warren shall constitute two districts: the first district to be composed of the townships of Greenwich, Franklin, Lopatcong, Phillipsburg, Harmony, Washington and Washington borough; the second district to consist of the borough of Hackettstown and townships of Belvidere, Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown and Knowlton.

Sussex. "16. *And be it enacted*, That the county of Sussex shall constitute one assembly district; to be composed of the several townships therein.

Passaic. "17. *And be it enacted*, That the county of Passaic shall constitute three districts: the first district to be composed of the township of Aquackanonck, the village of Passaic, and the fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the second, sixth and seventh wards of the city of Paterson, and the township of Little Falls; the third district to be composed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford.

Bergen. "18. *And be it enacted*, That the county of Bergen shall constitute two districts: the first district to be composed of the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle River; the second district to be composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus and Franklin.

Morris. "19. *And be it enacted*, That the county of Morris shall constitute three districts: the first to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Roxbury and Randolph.

"20. *And be it enacted*, That the county of Essex shall constitute nine districts; to remain as now composed. Essex.

"21. *And be it enacted*, That the county of Hudson shall constitute eight districts, to be composed as follows: Hudson.

"The First District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street, continued; thence westerly along the said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly, to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street, thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning; First district.

"The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street, continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly, to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Morris canal; thence westerly along the centre line of Morris canal to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Corne- Second district.

lison avenue; thence northerly along the centre line of Mill road or Cornelison avenue to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of Hudson river; thence southerly along the centre line of Hudson river to the place of beginning;

Third district. "The Third District: Beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning;

Fourth district. "The Fourth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along

the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning;

Fifth district.

"The Fifth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey Railroad to the end of the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning;

Sixth district.

"The Sixth District: Beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of

Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning, and also so much of the said county of Hudson as is comprised within the limits of the township of Greenville and the city of Bayonne;

Seventh district. "The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

Eighth district. "The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other of the said assembly districts," be and the same is hereby revived, amended and re-enacted as amended, so as to read, and it is enacted as follows, viz:

Assembly districts, as amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts equal in number to the number of members of the general assembly, which said counties are entitled to elect respectively; that is to say that the county of Cape May shall constitute one assembly district, to be composed of the several townships therein and the city of Cape May.

Atlantic county. 2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several townships, towns and cities therein.

Cumberland. 3. *And be it enacted*, That the county of Cumberland shall constitute two districts: the first to be composed of the city of Bridgeton and the townships of Fairfield, Downe, Commercial, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the city of Millville and the townships of Maurice River, Landis and Deerfield.

First district.

Second district.

4. *And be it enacted*, That the county of Salem shall constitute two districts: the first district to be composed of the townships of Lower Penn's Neck, Upper Penn's Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of Salem city and the townships of Elsinboro, Mannington, Upper Alloways Creek, Lower Alloways Creek and Quinton. Salem county. First district. Second district.

5. *And be it enacted*, That the county of Gloucester shall constitute two districts: the first district to be composed of Woodbury city and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Clayton, Glassborough, Franklin, Harrison, West Woolwich or Logan, and Woolwich. Gloucester. First district. Second district.

6. *And be it enacted*, That the county of Camden shall constitute three districts: the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware, and the borough of Merchantville; the third district to be composed of Gloucester city, and the townships of Centre, Union, Haddon, Gloucester, Waterford and Winslow. Camden county First district. Second district. Third district.

7. *And be it enacted*, That the county of Burlington shall constitute four districts: the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Florence, Mansfield and Springfield; the second to be composed of the townships of Burlington, Beverly, Cinnaminson, Beverly city and Chester; the third district to be composed of the townships of Willingboro, Pemberton, North Hampton, West Hampton, Lumberton, Mount Laurel and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor. Burlington county. First district. Second district. Third district. Fourth district.

8. *And be it enacted*, That the county of Ocean shall constitute one assembly district to be composed of the several townships therein. Ocean county.

9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the Mercer. First district. Second district.

Third district. first, second, third, fourth, fifth, and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton Square, Chambersburg and the sixth ward of Trenton.

Monmouth. 10. *And be it enacted*, That the county of Monmouth
First district. shall constitute three districts: the first to be composed of the townships of Upper Freehold, Millstone, Manala-
Second district. pan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic,
Third district. Wall, Matawan and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Eatontown and Raritan.

Middlesex. 11. *And be it enacted*, That the county of Middlesex
First district. shall constitute three districts: the first district to be
Second district. composed of the city of New Brunswick; the second district to be composed of the townships of Piscataway, Raritan, Woodbridge, and the city of Perth Amboy; the
Third district. third district to be composed of the townships of North Brunswick, South Brunswick, East Brunswick, Monroe, Madison, Cranbury, South Amboy and Sayreville.

Somerset. 12. *And be it enacted*, That the county of Somerset shall
First district. constitute two districts: the first district to be composed of the townships of Warren, Bridgewater, Bedminster,
Second district. North Plainfield and Bernards; the second district to be composed of the townships of Branchburg, Montgomery, Hillsborough and Franklin.

Hunterdon. 13. *And be it enacted*, That the county of Hunterdon
First district. shall constitute two districts: the first district to be composed of the townships of West Amwell, East Amwell, Delaware, Raritan, Readington, Kingwood, and the city
Second district. of Lambertville; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon, Holland, High Bridge and Tewksbury.

Union. 14. *And be it enacted*, That the county of Union shall
First district. constitute three districts: the first district to be composed of the first, second, third, fourth and eighth wards of the
Second district. city of Elizabeth; the second district to be composed of the fifth, sixth and seventh wards of the city of Elizabeth, and the townships of Union, Springfield, Cranford and

Linden; the third district to be composed of the cities of Rahway and Plainfield, and the townships of Westfield, Summit, New Providence, Clark and Fanwood. Third district.

15. *And be it enacted*, That the county of Warren shall constitute two districts: the first district to be composed of the townships of Greenwich, Franklin, Lopatcong, Harmony, Washington and Washington borough, and the town of Phillipsburg; the second district to consist of the boroughs of Hackettstown and Belvidere, and the townships of Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown, Allamuchy and Knowlton. Warren. First district. Second district.

16. *And be it enacted*, That the county of Sussex shall constitute one assembly district, to be composed of the several townships therein. Sussex county.

17. *And be it enacted*, That the county of Passaic shall constitute three districts: the first district to be composed of the township of Acquackanonk, the city of Passaic and the fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the second, sixth and seventh wards of the city of Paterson, and the township of Little Falls; the third district to be composed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford. Passaic county. First district. Second district. Third district.

18. *And be it enacted*, That the county of Bergen shall constitute two districts: the first district to be composed of the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle river; the second district to be composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus, Ridgewood and Franklin. Bergen county. First district. Second district.

19. *And be it enacted*, That the county of Morris shall constitute three districts: the first district to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Mount Olive, Roxbury and Randolph. Morris county. First district. Second district. Third district.

20. *And be it enacted*, That the county of Essex shall constitute nine districts: the first district to be com- Essex county. First district.

posed of the townships of Bloomfield, Montclair, Caldwell, Livingston and Milburn; the second district to be composed of the town of Orange and the townships of East Orange and West Orange; the third district to be composed of the eighth ward of the city of Newark and the townships of Belleville and Franklin; the fourth district to be composed of the first and fourth wards of the city of Newark; the fifth district to be composed of the second and sixth wards of the city of Newark; the sixth district to be composed of the thirteenth ward of the city of Newark and the townships of Clinton and South Orange; the seventh district to be composed of the third, ninth and fourteenth wards of the city of Newark; the eighth district to be composed of the fifth, tenth and twelfth wards of the city of Newark; the ninth district to be composed of the seventh, eleventh and fifteenth wards of the city of Newark.

Second district.
Third district.
Fourth district.
Fifth district.
Sixth district.
Seventh district
Eighth district.
Ninth district.

21. *And be it enacted*, That the county of Hudson shall constitute eight districts, to be composed as follows:

Hudson county.

First district.

The First District: Beginning at the centre of the Hudson river where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof; at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning;

Second district.

The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect now Henderson street; thence northerly along the centre line of Prospect now Henderson street to the centre line of Pavonia avenue;

thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Cornelison avenue; thence northerly along the centre line of Mill road or Cornelison avenue, to the New Jersey Railroad; thence northerly across the New Jersey Railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of the Hudson river; thence southerly along the centre line of Hudson river to the place of beginning;

Third district.

The Third District: Beginning at the intersection of the centre lines of Newark avenue and Prospect now Henderson street; thence northerly along the centre line of Prospect now Henderson street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre

line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning;

Fourth district. The Fourth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning;

Fifth district. The Fifth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Summit avenue formerly Bergen avenue; thence northwesterly along the centre line of said Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey Railroad to the end of the centre line of Cornelison avenue or Mill road;

thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning;

Sixth district.

The Sixth District: Beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southern boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning, and also so much of said county of Hudson as is comprised within the limits of the township of Greenville and city of Bayonne.

Seventh district

The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

Eighth district.

The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other said assembly districts.

Repealer.

11. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Passed February 25, 1879.

CHAPTER XXV.

A Further Supplement to an act entitled "An act for the relief of the national guard," approved March seventh, one thousand eight hundred and seventy-eight, and the several supplements thereto.

Persons entitled to benefits, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the widow, or minor children if there be no widow, or the widowed mother, if there be no widow or minor children, of any soldier in the national guard of this state, who actually performed service in the emergency existing in this state during the months of July and August, one thousand eight hundred and seventy-seven, shall be entitled to the benefits of the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXVI.

An Act to compel the presentation for payment of past due improvement certificates issued by any of the cities of this state.

When interest on improvement certificates shall cease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proper financial authorities of any city in this state, in which improvement certificates are now due or hereafter may become due, may give thirty days' notice in the official paper or

papers of such city of their readiness to pay said certificates at a time and place to be specified in such notice, and that interest on said certificates will cease from and after the date fixed for presentation and payment, and upon giving such notice as aforesaid, the interest upon said certificates shall cease as above provided for.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXVII.

An Act to provide for the relief of the poor.

Authorized to modify, change or unite appropriations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where separate appropriations are made for indoor and outdoor relief of the poor in any city, borough or town in this state, having twenty-five thousand inhabitants and upwards, and any one of such appropriations has been or shall be expended, or is or may be inadequate alone for either of such indoor or outdoor relief, it shall be lawful for the board of alderman or other authority of any such city, borough or town, to modify, change or unite such appropriations, and expend the same for either of such purposes; *provided, however*, that such modification, change or union shall not authorize an expenditure in excess of the sum of the two separate appropriations.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXVIII.

An Act respecting taxes.

Taxes to be paid out of income from property entailed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxes assessed on entailed property, or property held in trust, or for life, shall be paid out of income from such property, or by the person or persons having the present beneficial interest therein; but in case the taxes so assessed shall be upon real estate, and the person or persons holding said real estate in trust or having a beneficial interest therein shall fail to pay the taxes, the taxes assessed or laid thereon shall be a lien on said real estate.

Approved February 26, 1879.

CHAPTER XXIX.

Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, anno domini one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, anno domini one thousand eight hundred and seventy-five, and which reads as follows:

Section to be amended recited

"20. *And be it enacted*, That no joint stock insurance company formed under this act shall be organized with a smaller capital than one hundred thousand dollars or entitled to commence business until said sum is actually paid in cash; nor shall any mutual insurance company, for the purpose of marine or fire insurance, be entitled to commence business until agreements have been entered

into for insurance, the premiums on which shall amount to twenty thousand dollars, and notes have been received in advance therefor, (payable at or within twelve months from the date thereof, and thirty thousand dollars shall have been subscribed as capital stock, and actually paid in cash); such notes shall be considered a part of the capital stock of such mutual insurance company, and shall be valid and negotiable and collectable for paying any losses which may accrue, or any other lawful use or purpose," be amended to read as follows:

Section as amended.

20. *And be it enacted*, That no joint stock insurance company formed under this act shall be organized with a smaller capital than one hundred thousand dollars, or entitled to commence business until said sum is actually paid in cash, nor shall any mutual insurance company, for the purpose of marine or fire insurance, be entitled to commence business until agreements have been entered into for insurance, the premium on which shall amount to five thousand dollars, and notes have been received in advance therefor; such notes shall be considered a part of the capital stock of such mutual insurance company, and shall be valid and collectable for paying any losses which may accrue, or any other lawful use or purpose.

Repealer.

2 *And be it enacted*, That all acts or parts of acts inconsistent or conflicting with this act be and the same are hereby repealed

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXX.

A Supplement to an act entitled "An act concerning mortgages," approved March twenty-seventh, one thousand eight hundred and seventy-four, [Revision.]

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of the above entitled act, which reads as follows, viz:

Section to be amended recited

"10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in such suits shall be five dollars and no more," be and the same is hereby amended so that the same shall read as follows, viz:

Section as amended.

10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in any such suit shall be thirty cents for each folio.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXXI.

A Supplement to an act entitled "An act concerning executors and administrators of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which section reads as follows:

Section to be amended recited.

"10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given or devised by any last will, executed in due form of law to the executors therein named, or any of them, to be sold, or have been, or shall be thereby ordered to be sold by the executors therein named, or any of them, and one or more of said executors shall die, or have died in the lifetime of the testator, or, if living at the death of the testator, shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon

himself, herself or themselves the execution thereof, shall have died, or shall die, then, and in either case, the said trusts in said will shall vest in the other executor or executors in said will named, who shall prove or shall have proved said will, and in the survivor or survivors of them, unless it shall be otherwise expressed in said will; and it shall be lawful for such acting or surviving executor or executors to sell and convey the said lands, tenements and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living and joined in such sale," be and the same is hereby amended so that the section shall read:

Section a amended.

10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given or devised by any last will, executed in due form of law to the executors therein named, or any of them, to be sold, or have been, or shall be thereby ordered to be sold by the executors therein named, or any of them, and one or more of said executors shall die, or have died in the lifetime of the testator, or, if living at the death of the testator, shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon himself, herself or themselves the execution thereof shall have died, or shall die, or resign, or have resigned their executorship, or remove, or have removed out of this state, and refused to act, then, and in either case, the said trusts in said will shall vest in the other executor or executors in said will named, who shall prove or shall have proved said will, and in the survivor or survivors of them, unless it shall be otherwise expressed in said will; and it shall be lawful for such acting or surviving executor or executors to sell and convey the said lands, tenements and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living or acted and joined in such sale.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXXII.

An Act to provide for the full payment of the fixed annual salaries of police officers in certain cities.

Authorized to make or fix appropriations for payment of police officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, having a board having the control and management of the police department, the officers and members of which shall not have received their full annual salaries as fixed by said board at the commencement of the fiscal year, or prior thereto, but only a portion thereof, it shall be lawful for the board of finance and taxation, or other board possessing the power and authority to make or fix appropriations for the payment of salaries of such officials, to order, direct and provide for the full payment of said salaries; *provided, however*, that the payments to be made under and by virtue of this act shall not in any case exceed ten days' salary, and the board last before named, are hereby empowered and directed to borrow, in anticipation of taxes next to be levied in any such city after the passage of this act, or raise in any such other manner as may be legal, sufficient money to pay the salaries before named, and the requisite sum, not exceeding ten the days' salary before mentioned, shall be put in the tax levy next thereafter.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXXIII.

A Supplement to an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be amended recited.

"6. *And be it enacted*, That the members of said board of direction, before entering upon the duties of their office shall respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the state of New Jersey, and to perform the duties of their office with fidelity," be and the same is hereby amended so as to read as follows:

Amendment.

6. *And be it enacted*, That the pursuers elected by the board of direction shall before entering upon the duties of their office, respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the state of New Jersey, and to perform the duties of their office with fidelity.

Repealer.

2. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XXXIV.

An Act entitled "An act to regulate the election of judges, inspectors and clerks of elections in cities, towns and townships."

Member of police force not to be an election officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall, hereafter, be unlawful for any member of the regular police force in any city, town, or township of this state to hold the office of judge, inspector or clerk at any general or special election in this state.

Office of judge, inspector or clerk declared vacant.

2. *And be it enacted*, That if any such person, a member of the regular police force in any city, town or township of this state now holds by election or appointment any such office of judge, inspector or clerk of elections, the same is hereby declared vacant; and that any vacancy caused by the provisions of this act shall be filled on the morning of election by the qualified voters assembled at such time and polling places where the said vacancies may exist; and the person or persons receiving the largest number of votes for any office so made vacant, shall be declared elected to the same.

Vacancy, how filled.

Judge of election to fill vacancies.

3. *And be it enacted*, That the inspector of election, who was elected at the last annual charter election and qualified as such, shall act as judge of the election to fill all vacancies occurring by virtue of the proceedings of this act, and a true statement of the result of such election shall be made under oath by said inspector to the clerk of the city, town or township where such election occurs, who shall file the same in his office as an official paper.

Provisions of act to apply to judge, inspector or clerk selected from police force.

4. *And be it enacted*, That the provisions of this act shall not interfere with those of any previous act, except as refers to any member of a regular police force in this state, who now holds or might hereafter be elected to the office of judge, inspector or clerk of elections.

5. *And be it enacted*, That all laws or parts of laws inconsistent with any provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately. Repealer.

Approved February 26, 1879.

CHAPTER XXXV.

A Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and seventy-four of said act, and which reads as follows:

"174. *And be it enacted*, That whenever there shall occur any vacancy, from any cause, in the office of judge or inspector of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party," be amended so as to read as follows: Section to be amended recited.

174. *And be it enacted*, That whenever there shall occur any vacancy from any cause, in the office of judge, inspector or clerk of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party. Section as amended.

Approved February 27, 1879.

CHAPTER XXXVI.

An Act respecting foundries and machine companies.

Majority of directors not required to be residents of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any foundry and machine companies have been organized under any law of this state and are carrying on the foundry and machine business, it shall not be necessary, from and after the passage of this act, that a majority of the directors of such company be residents of this state; *provided*, that at least one of said directors be resident within this state.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XXXVII.

An Act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state.

Payment for publication of official minutes authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the minutes and proceedings of the municipal boards of which were authorized by act of the legislature, to be published and the official newspapers for such publica-

tion were to be designated by one or more of said boards, if the said board or boards or any or either of them so having the right to designate as aforesaid, shall have designated a newspaper or newspapers as official to publish all legal notices required by the city charter, and the newspaper or newspapers so designated shall have published the official minutes or proceedings of said board or boards, although not designated as official newspapers for that especial purpose, said newspaper or newspapers having been designated as official to publish the minutes and official proceedings previously to the designation to publish said legal notices, and having published said previous minutes and official proceedings and received compensation for such publication, it shall be lawful for the proprietor or proprietors of said official newspaper or newspapers to receive and recover from the city, the board or boards of which shall have made the designation to publish all legal notices as aforesaid, compensation for the publication of said official minutes and proceedings subsequent to said designation, according to the rates fixed by said board or boards for such publication, or paid by them to such newspaper or newspapers as were especially designated for that purpose; *provided*, that the provisions of this act shall not apply, except in cities of this state having over fifty thousand inhabitants at the last state census. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XXXVIII.

An Act to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and fifty-ninth section of the act, of which this is amendatory, and which is in the following words:

Section to be amended recited.

"159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery; which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney; and either of the parties may, in person or by his attorney, be present and examine and cross-examine such witnesses; and the examination so taken shall be of the like force and effect as if taken in the orphans' court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions," be and the same is hereby amended to read and be in the following words:

Section as amended.

159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery, which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney, and either of the parties may, in person or by his attorney, be present and examine and cross-examine the witnesses testifying at such examinations; and the examination so taken shall be of the like force and effect as if taken in the orphans' court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions; but in any particular cause it shall be lawful for the president judge of said court, with the written approval of the justice of the supreme court holding the circuit in that county, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined in that particular cause, for the use of the court, and the parties in the cause, and to fix, allow and tax the fees and

Amendment.

compensation of such reporter for taking down and writing out such evidence, and to apportion the same between the parties in the same manner as the fees of examiners are apportioned; and each party shall forthwith pay the part so apportioned to him, which shall be a part of the taxable costs in the cause.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XLIII.

An Act concerning veteran associations.

Governor authorized to issue military stores.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any lawfully organized association of veterans from the late war in this state shall apply to the governor for the temporary loan of camp and garrison equipage, ordnance or other military stores, for any purpose whatsoever, not in conflict or violation of the peace of the laws of this state, or the laws of the United States, the governor shall examine into such application, and upon finding it a just and proper demand he shall have the power to order and authorize the issue of the stores asked for in the application; *provided, however*, the applicants be required to furnish good and sufficient bonds for the value of the stores issued, which bond shall first be approved by the governor, and to remain on file in the office of the quartermaster general of the state.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act, and go into effect immediately.

Approved February 27, 1879.

CHAPTER XLIV.

An Act authorizing the issue of bonds to fund the floating debt of counties.

Bonds, how executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state, for the purpose of funding the floating debt that existed under authority of law on the first day of January, one thousand eight hundred and seventy-nine, in any of the counties, for that purpose to issue bonds in the corporate name, and under the corporate seal of any such county, signed by the director and the clerk of the board of chosen freeholders of any such county, and countersigned by the county collector of any such county, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such county on the first day of January, one thousand eight hundred and seventy-nine, such bonds to be registered or coupon bonds, and shall bear a rate of interest not exceeding the legal rate at the date of issuing the same, payable half-yearly, and shall be redeemable at any time and in such installments, not exceeding fifteen years from their date, at any place within this state as the board of chosen freeholders may direct; which bonds may be sold at public or private sale for the best price they can obtain for the same; but shall not be for less than the par value; and all the real estate and property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

When redeemable.

Not to be sold for less than par value.

Payment to be provided for by taxation.

2. *And be it enacted*, That the boards of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall yearly and

every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Act to apply to certain counties.

3. *And be it enacted*, That this act shall only apply to such counties within this state which, according to the last census, had a population of less than forty thousand inhabitants.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XLV.

An Act appointing a commission to draft a system of general laws for the government of municipalities in this state.

Appointment of Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall nominate, and by and with the advice and consent of the senate shall appoint five judicious and competent persons commissioners to prepare a system of general laws for the government of municipalities heretofore or hereafter incorporated in this state, and to report the same to the legislature in January next.

Commissioners may employ assistance.

2. *And be it enacted*, That the said commissioners shall have authority to employ such assistance as they may deem necessary in the prosecution of their work, and the members and employes shall receive such compensation as the governor, the comptroller and the treasurer of the state shall deem just and proper, which shall be paid by

Compensation to be paid.

the treasurer on the warrant of the comptroller, together with the necessary expenses of such commissioners.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XLVI.

A Supplement to the act entitled "An act concerning public road boards," approved April twenty-first one thousand eight hundred and seventy-six.

Vacancies in board of commissioners, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all vacancies hereafter occurring by death, resignation, or any other cause whatever, in the board of commissioners of any public road board, lawfully created and existing in and for any county of this state (prior to the passage of the act to which this is a supplement, and not governed by the provisions of said act), shall be filled only by election or appointment, to be made by the board of chosen freeholders of such county, from the members of such board of chosen freeholders, for the time being, which persons so elected or appointed, shall continue in office as commissioners only during the term for which they shall have been elected such chosen freeholders, but shall be subject to removal at the pleasure of such board of chosen freeholders, and shall receive such compensation per diem (in lieu of salary), as chosen freeholders are entitled by law to receive; *provided*, that no more than three of the members of said public road board shall be of the same political party.

Proviso.

Previous consent of freeholders to be had for opening roads or avenues, &c.

2. *And be it enacted*, That no roads or avenues, or sections thereof, shall hereafter be laid out, constructed, or appropriated by any of the public road boards

mentioned in the first section of this act, without the previous consent of the board of chosen freeholders of the county wherein said road or avenue may be.

Expense not to be incurred.

3. *And be it enacted*, That no expense shall hereafter be incurred by any of the public road boards mentioned in the first section of this act, for repairs to any existing road or avenue, without the previous order or consent of the board of chosen freeholders of the county wherein such road or avenue is situate.

Reports of receipts and disbursements to be made in detail.

4. *And be it enacted*, That the said public road boards shall make reports in writing of their receipts and disbursements in detail, to the directors of the boards of chosen freeholders, whenever and as often as required by the last mentioned boards.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions hereof, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER XLVII.

A Further Supplement to an act entitled "An act to incorporate societies for the promotion of learning," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section to the supplement to the act above-mentioned, approved March first, one thousand eight hundred and fifty, and which is in these words:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey annual conference of the Methodist Episcopal church are hereby authorized and empowered, when in

conference assembled, to found any institution or institutions in this state, whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they are hereby further authorized and empowered, from time to time, to elect, from their own body or other, wise (with power at any time to fill vacancies), any number of persons, not exceeding eighteen, nor less than nine- as trustees of such institution or institutions, who shall be divided into three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected every year; which said trustees and their successors are hereby constitued a body politic and corporate, in fact, name and law, to all intents and purposes forever, by whatever name the trustees, elected as aforesaid, shall take and assume in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession," shall be amended so that the same shall read as follows:

Section a amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey conference of the Methodist Episcopal church may as heretofore authorized, or together with the members of the Philadelphia conference of the Methodist Episcopal church, and they are hereby authorized and empowered, when in their respective conferences assembled, to found any institution, or organize any institutions already founded in this state, whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they, and each of them, are hereby authorized and empowered, from time to time, to elect from their respective bodies or otherwise (with power at any time to fill vacancies), any number of persons, not exceeding eighteen from each conference, nor less than nine from each conference, as trustees of such institution or institutions, which said trustees shall be divided in three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected by their respective conferences every year; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name and law, to all intents and purposes forever, by whatever

name the trustees elected by the two conferences aforesaid shall take and assume, in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession.

2. *And be it enacted*, That the second section to the supplement to the act above mentioned, which is in these words:

"2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors, to lay before the New Jersey annual conference of the Methodist Episcopal church, at each and every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees," shall be amended so that the same shall read as follows: Section to be amended recited.

2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors, to lay before the New Jersey annual conference of the Methodist Episcopal church, and the Philadelphia annual conference of the Methodist Episcopal church, respectively, at each and every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees. Section as amended.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER XLVIII.

A Supplement to an act entitled "An act to establish a uniform standard of weights and measures in this state and to provide for the appointment of a state superintendent and inspector of the same," approved March twenty-fifth, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to which this is a supplement and which reads as follows:

Section to be amended recited.

"17. *And be it enacted*, That the bushel of wheat of this state shall consist of sixty pounds; of rye or Indian corn, of fifty-six pounds; of buckwheat, fifty pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax-seed, fifty-five pounds; of clover-seed, sixty-four pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds; rated by the standard pound avoirdupois weight," be and the same is hereby amended so as to read as follows:

Section as amended.

17. *And be it enacted*, That the bushel of wheat in this state shall consist of sixty pounds; of rye or Indian corn, of fifty-six pounds; of buckwheat, forty-eight pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax-seed, fifty-five pounds; of clover-seed, sixty-four pounds; of timothy-seed, forty-five pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds; rated by the standard pound of avoirdupois weight.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER XLIX.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

When inventory, list of creditors &c., filed by an assignee shall be deemed to have been sufficiently proved.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any inventory and valuation or list of creditors and statement of claims filed by an assignee, verified by oath taken before any foreign commissioner of deeds for New Jersey, or by any other officer qualified by the laws of this state to administer oaths and affirmations, shall be deemed to have been sufficiently proved, although such oath was not taken before the surrogate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER LI.

An Act to provide for the organization of fire-patrol, or protective associations.

Organization, how effected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state, it shall be lawful to organize a fire-patrol, or protective association, for the purpose of saving life and property

from destruction by fire, which organization shall be effected at a meeting to be held for the purpose, and upon notice of the time and place of said meeting, which notice shall be published, not less than ten days, in a daily newspaper published in said city, and shall be signed by not less than three persons, who shall be officers of fire insurance companies in said city; at such meeting, for the purpose of organization, it shall be lawful for any fire insurance company in said city to be represented by an officer; and said officers, shall have the right to participate in said meeting, and to vote therein;

Proviso.

provided, however, that in case there shall be less than three fire insurance companies having their home offices located in such city, it shall be lawful for the officers of the company or companies located in such city together with the duly accredited agents of fire insurance companies located elsewhere, but doing business in such city, to hold a meeting and effect an incorporation, and to give notice thereof in the manner herein above set forth; the whole number of such officers and agents together being not less than three.

Certificate of organization.

2. *And be it enacted*, That it shall be lawful for the persons so assembled, or any number thereof, not less than three, to make and sign a certificate, which shall set forth the general purposes of the organization, the period for which the association is to continue, not to exceed fifty years, and the particular name by which said association is to be known; and such certificate shall be sealed and acknowledged by the persons signing the same, before some officer authorized to take the proof and acknowledgment of deeds in New Jersey; and shall be

To be recorded in office of county clerk.

filed and recorded in the office of the clerk of the county wherein such city is located; whereupon the persons so signing and acknowledging shall become and be incorporated by the name so chosen, as a body corporate in law; and they, and their successors, and all who shall become associated with them, shall, as such corporation,

To have corporate rights and privileges.

become possessed of the rights and privileges, and be liable to the duties of corporations of this state, as set forth in the general acts respecting corporations.

May make by-laws.

3. *And be it enacted*, That the said corporation shall have power to make all needful by-laws, not contrary to

the provisions of this act, or the constitution and laws of this state, or of the United States.

General proviso

4. *And be it enacted*, That said corporations shall have power to provide suitable rooms for the transaction of their business, and also to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires; with suitable apparatus to save life and preserve property, at or after a fire; and the better to enable them so to act with promptness and efficiency, full power is hereby granted to such corps, and its officers, to enter any building on fire, or which in their judgment is exposed to or in danger of taking fire from other burning buildings, to protect and save life and property therein; and to remove such property or any part thereof, at or after a fire; nothing in this act, however shall warrant any interference with the action of the firemen in their duties in extinguishing a fire; nor shall this act in any way be construed to justify the owners of any building or personal property in the abandonment of their property.

Annual meetings to be held.

5. *And be it enacted*, That in each year after the formation of such corps, an annual meeting of the corporation shall be held, on ten days' notice, in one or more papers in such city, giving date, time, and place of such meeting, at which meeting each incorporated insurance company or association doing business in said city, whether its officers or its agents be members of this corporation or not, shall have the right to be represented by one of such officers or agents, and each organization represented at such meeting shall be entitled to one vote for every one thousand dollars gross premium receipts from insurance on property located in such city, for the year ending December thirty-first next preceding; a majority of the whole number of votes cast shall decide upon the question of sustaining the corps hereinbefore mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to said corporation, and upon all other organizations and agencies doing business in such city, in proportion to the several amounts of premiums returned,

Who may vote.

Majority of votes to decide amount of expenses to be incurred &c.

as received by each, under oath, as hereinafter provided; and such assessment shall be collectible by said corporation in any court of law of competent jurisdiction in the state of New Jersey.

Mode of providing for the payment of persons employed.

6. *And be it enacted*, That to provide for the payment of persons employed, and to maintain the apparatus for saving life and property, provided in pursuance hereof, any corporation organized under this act is empowered to require a statement to be furnished, semi-annually, by all corporations, associations, underwriters, agents or persons, of the aggregate amount of premiums received for insuring property in the said cities for and during the six months next preceding the thirtieth day of June and the thirty-first day of December of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said cities, and shall be handed to the treasurer of said corporation within thirty days after the dates to which such returns are to be made.

Proceedings in case of failure to furnish statement.

7. *And be it enacted*, That it shall be lawful for the treasurer or other appointed officer of said corporation, within ten days after the first day of July and the first day of January in each year, by written or printed demand signed by him, to require from every corporation, association, underwriter, agent, or person engaged in the business of fire insurance in the said cities, the statement provided for in the last preceding section of this act; and every officer of such corporation or association, and every individual, agent, or underwriter who shall for thirty days after such demand neglect to render the account, shall forfeit fifty dollars for the use of the corporation created by this act; and shall also forfeit for their use, five dollars in addition for every day he shall so neglect after the expiration of said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered with costs of suit in any court of competent jurisdiction within this state.

Penalty.

Right of way.

8. *And be it enacted*, That the officers and men of said fire-patrol or protective association, with their teams and

apparatus, shall have the right of way, while going to a fire, through any street, lane or alley in the said cities, subject to the rights of the fire departments, and any violation of the rights of the said fire-patrol or protective association shall be punished in the same manner as is provided for the punishment of violations of the rights of the fire departments of said cities.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER LII.

A Further Supplement to an act to secure to mechanics and others payment for their labor and materials in erecting any building, approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, it is the practice of owners of lots or tracts of land to dispose of the same to a builder or builders, taking therefor a mortgage or mortgages in excess of the purchase money price of said lot or tract of land, the mortgagee agreeing to pay such excess to the aforesaid builders from time to time as the building or buildings progress, such mortgages being known as advance money mortgages; therefore,

Lien for labor or materials &c. to be a prior lien, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all such transactions the building or buildings so erected shall be liable for the payment of any debt contracted and owing to any person or persons for labor performed or materials furnished for the erection and construction thereof, which debt shall be a lien on such building or buildings and on the land whereon they stand, including the lot or curtilege

whereon the same are erected, and that the lien for labor performed or materials furnished for the erection and construction of any such building or buildings shall be a prior lien to the lien of any mortgage created on such building or buildings and lot or tract of ground to secure either in whole or in part any advances in money to be used in and about the construction of such building or buildings (except only so much of the amount of said mortgage as shall be for the purchase money of the lot or tract of land whereon the said building or buildings shall be erected); *provided,* that nothing in this act shall interfere with a mortgage or mortgages to secure bona fide loans of money not advances as aforesaid, such bona fide loans to be paid in full, anything in this act to the contrary notwithstanding.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER LIII.

An Act to amend an act entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' approved April second, one thousand eight hundred and seventy-three," approved February nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section two of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, as amended by the act entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' approved April second, one

thousand eight hundred and seventy-three," approved February nineteenth, one thousand eight hundred and seventy-eight, and which amended section is as follows:

"2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state, until at least two thousand dollars of stock for every mile of railroad proposed to be made, is subscribed thereto and paid in good faith, and in cash, to the directors named in articles of said association; nor until the said directors shall have deposited the said moneys so subscribed and paid to them, with the treasurer of the state of New Jersey, who shall be the custodian of the same, and shall hold the same subject to be repaid to the directors of the said company, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the said company have expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed and paid in cash as aforesaid, and that it is intended in good faith to construct, or to maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid; *provided*, that the articles of association heretofore filed in the office of the secretary of state, pursuant to the terms of the act to which this act is amendatory, by any corporation which shall not at the date of the passage of this act have fully completed at least three miles of their proposed railroad, as located and filed in the office of the secretary of the state, shall be absolutely null and void, and of no effect whatsoever, and the corporate powers vested in such corporation by the filing of such articles shall become extinct, and such corporation shall become *ipso facto* dissolved, unless such corporation shall, within twenty days after the passage of this act, fully comply with the terms thereof; *provided*, nevertheless, that such corporations organized under the act to which this is amendatory, as shall have completed at the date of the passage of this act more than three

Section to be amended recited.

miles of their said railroad as originally located, shall continue to exist for the sole purpose of maintaining and operating the said completed portion of their said road, and of exercising all the powers and franchises necessary to the maintenance and operation thereof, but for no other purpose whatsoever, without complying with the requirements of this act," shall be, and hereby is amended, so that the said section shall read as follows:

Section as amended.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least two thousand dollars of stock for every mile of railroad proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the said directors shall have deposited the said money so subscribed and paid to them with the treasurer of the state of New Jersey, who shall be the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said company, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the said company have expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed and paid in cash as aforesaid, and that it is intended in good faith to construct or to maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid; *provided*, that the articles of association heretofore filed in the office of the secretary of state, pursuant to the terms of the act to which this act is amendatory, by any corporation which shall not, at the date of the passage of this act, have fully completed at least three miles of their proposed railroad, as located and filed in the office of the secretary of state, shall be absolutely null and void, and of no effect whatsoever, and the corporate powers vested in such corporation by the filing of such articles shall become extinct, and such corporations shall become *ipso facto*

Proviso.

dissolved, unless such corporation shall, within twenty days after the passage of this act fully comply with the terms thereof; *provided*, that such corporations, hereto- Proviso.
fore organized under the general railroad laws of this state, as have complied with the provisions of said section two of said act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, as the same were before amendment, and the total length of whose road as shown by the filed survey in the office of the secretary of state shall be less than three miles, shall have until the first day of July, one thousand eight hundred and seventy-nine, in which to comply with the further provisions of said section two of said act, as amended by this act, and two years from said first day of July is hereby allowed to such corporations for the completion of their said roads, and all the rights and privileges existing and belonging to said corporations, at the time of the passage of the said act, to which this is an amendment, approved April second, one thousand eight hundred and seventy-three, are hereby restored and confirmed to the said corporations; *provided nevertheless*, that such corporations, Proviso.
organized under the act to which this is amendatory, as shall have completed, at the date of the passage of this act, more than three miles of their said railroad, as originally located, shall continue to exist for the sole purpose of maintaining and operating the said completed portion of their said railroad, and of exercising all the powers and franchises necessary to the maintenance and operation thereof, but for no other purpose whatsoever, without complying with the requirements of this act.

2. *And be it enacted*, That all acts and parts of acts Repealer.
inconsistent with this act, be and they are hereby repealed, and this act shall take effect immediately.

Approved March 4, 1879.

New Jersey State Library

CHAPTER LIV.

An Act relative to morgues and morgue keepers.

Judges of courts to designate place or places as a public morgue, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the judges of the court of common pleas of the several counties of this state, when they shall by a majority vote so determine, to designate a place or places of proper character, and furnished with sufficient accommodation and appliances, as a public morgue or morgues for said county, not to exceed three in number in any county; in designating such place or places, they shall first select the city or cities within the county, and afterwards such other place or places as in their opinion may be necessary;

Proviso.

provided, that this act shall apply only to such counties as have within their limits a city or cities of more than twenty thousand inhabitants by the last state census.

Appointment of keepers.

2. *And be it enacted*, That said judges of the court of common pleas shall have power to appoint a keeper or keepers for said morgue or morgues for a term of three years from the date of their appointment, and to define their respective districts, which keepers shall be required to take in charge the unknown dead in their respective districts in said counties; to furnish, free of charge, suitable rooms for the holding of all inquests, should they be deemed necessary, and to make such disposal of the bodies as the proper authorities may direct.

Fees and expenses, how paid.

3. *And be it enacted*, That the fees and expenses of the said morgue keepers, for the recovery and care of the bodies of the unknown dead, be fixed by the respective boards of chosen freeholders and paid by the county collectors on bills duly passed by said boards of chosen

Proviso.

freeholders; *and provided further*, that no more than the legal fees for the burial of such bodies shall in any case be allowed.

4. *And be it enacted*, That this act shall take effect immediately, and that any act or part of act inconsistent with the provisions of this act be and is hereby repealed. Repealer.

Approved March 4, 1879.

CHAPTER LVII.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every county in this state, containing not less than twenty-five thousand nor more than eighty thousand inhabitants, as ascertained by the last state census, the persons legally qualified to vote at town and municipal elections, in the several townships and cities thereof, shall hereafter elect for each township in said counties but one chosen freeholder, and for each city or ward in said counties the same number of chosen freeholders as the inhabitants of the said cities or wards, respectively, are now authorized by law to elect; and the chosen freeholders so elected in each of said counties shall constitute "the board of chosen freeholders" in and for the same. Election of Chosen Freeholders, number that shall be elected.

2. *And be it enacted*, That from and after the passage of this act, the chosen freeholders to be elected in the several cities, wards, and townships in the said counties, shall be elected at the same time, for the like term, and in the same manner as chosen freeholders are now elected therein, respectively; and they shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as other chosen freeholders in this state. Manner of election.

Repealer.

3. *And be it enacted,* That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER LVIII.

An Act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same.

Township committee to make rules, &c., for licensing hacks, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all townships of this state having a population of more than four thousand inhabitants, and in which the county seat of any county may be located, the township committee of said township shall have power within the limits of said township to make rules and regulations for licensing and regulating hacks, cabs, omnibus, stages, carriages, and vehicles used for the transportation of passengers, and to fix the license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen.

May prescribe penalties.

2. *And be it enacted,* That in all townships aforesaid the township committee thereof may prescribe a penalty or penalties for the violation of this act, either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding twenty dollars, and any justice of the peace of said township shall have jurisdiction of such cases, and may give judgment and issue execution for the collection of such fine or fines to be levied on any personal property of such person or persons fined as aforesaid, directed to any constable of the county in which said township is situate, which execution shall be levied, executed and returned in the same manner as executions

in other cases, or in case of sentence to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

3. *And be it enacted*, That it shall not be lawful for the township committee of said township to require a license from any person or persons owning any hack, omnibus, stage, carriage or vehicle, who is a resident and taxpayer in said county in which said township is situate. **Resident and taxpayer not required to have license.**

4. *And be it enacted*, That this act shall not apply to any of the incorporated cities or towns of this state. **Not to apply.**

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1879.

CHAPTER LX.

An Act to repeal an act entitled "A further supplement to the act entitled 'An act concerning roads,'" approved April fifth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to the act entitled 'An act concerning roads,'" which further supplement was approved April fifth, anno domini one thousand eight hundred and seventy-one, be and the same is hereby repealed. **Repealer.**

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXI.

An Act to enable boards of education of cities to refund their indebtedness at a lower rate of interest.

Board of education may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any board of education in any city, to issue bonds at any rate of interest not exceeding six per centum per annum, for the purpose of paying off and discharging its present indebtededness, which said bonds shall be issued in such amounts, and the principal and interest payable at such times, and in such manner as the said board of education may determine; *provided*, that the total amount of said bonds for any one board of education shall not exceed the sum of one hundred and thirty thousand dollars, and that they shall not be issued or used for any purpose whatsoever, except the redemption of outstanding mortgages and bonds already issued by such board of education prior to the passage of this act.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXII.

Supplement to an act entitled "An act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five.

Board of chosen freeholders to make annual statements to state comptroller.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city, the representative authority of each borough in this state, to transmit to the comptroller of the treasury, on or before the thirty-first day of October in each year, a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, on the first day of October next preceding, giving the funded and floating debt, with the purposes for which contracted, rates of interest, time when the debts fall due, nature and condition of the sinking funds, if any, annual expenses of every kind, rate of tax and amount raised, and it shall be the duty of the comptroller to submit the results to the legislature in a properly tabulated form.

Penalty for refusal to furnish statement.

2. *And be it enacted*, That if any of the said officers shall neglect or refuse to furnish or transmit the statement as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXIII.

A Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, the provisions heretofore in force relative to the advertisement of sales of lands have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective or uncertain;

Sales of real estate not to be invalidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of real estate heretofore made shall be invalidated by reason of any advertisement of such sale having been inserted in only one newspaper, or by reason of any advertisement of such sale having been commenced during the fourth week prior to such sale, instead of four full weeks prior thereto, or by reason of any paper in which any advertisement of such sale was inserted not having been one of the papers at the time designated for the publication of the laws, or by reason of any omission to advertise any adjournment of sale, or any irregularity in the advertisement of any adjournment of sale, but the purchaser of any such real estate having paid the price thereof and received his deed shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly advertised.

Approved March 6, 1879.

CHAPTER LXIV.

A Further Supplement to an act entitled "An act concerning corporations," [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Number of shares of stock may be increased by subdividing the amount and par value of each share.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company or association organized under the act to which this is a supplement, or otherwise may increase the number of its shares of stock by sub-dividing the amount of each share, including therein as well the par value thereof, as also any

assessments actually paid in thereon, into shares of such equal par value as it may agree on, by filing in the office of the secretary of state, the assent in writing of stockholders representing two-thirds in value of the capital stock for the time being, and also a certificate under the hands and seals of said stockholders or their legal representatives, stating the par value at which it is proposed to fix said shares which certificate shall be proved or acknowledged and recorded as required of deeds of real estate, in the book kept for recording corporation certificates, in the office of the clerk of the county, where the principal office or place of business of such company in this state shall be established and after being so recorded shall be filed in the office of the secretary of state, and the certificate of the secretary of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of such sub-division of said shares and alteration of their par value in any court of this state; *provided, however*, that such assent and certificate shall be filed as aforesaid, within thirty days after the execution of the same by said stockholders; *and provided further*, that in no case shall the capital stock of any such company filing such certificate and assent be increased thereby beyond the amount limited in its charter or certificate of organization, except in the manner now provided by the act to which this is a supplement. Proviso. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXV.

An Act for the better protection of sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all bonds required Bonds to be recorded.

by law to be taken by any sheriff of this state shall be recorded in the clerk's office of the several counties, in a book to be provided and kept in said clerk's office for that purpose, and upon being so recorded, shall have the force and effect of a recognizance; and that copies of said bonds duly certified by said clerks under seal of office, shall be received as evidence in any court of this state, and be as good and available in law as if the original bonds were then and there produced and proved.

Clerk to enter discharge when conditions of bond have been complied with.

2. *And be it enacted*, That upon satisfactory proof before any court in which the suit wherein the said bond has been taken is pending, that the conditions of said bond have been fully complied with, it shall be the duty of said court to order the clerk thereof to enter the same discharged in the book kept by the clerk for recording the same.

3. *And be it enacted*. That this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXVI.

An Act to provide means to increase the fish production of the waters of this state.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of five thousand dollars, which shall be paid by the state treasurer on the warrant of the comptroller, to the commissioners of fisheries of this state, upon their requisition, to be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to

restore and increase the fish production of the waters of the state.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 6, 1879.

CHAPTER LXVIII.

An Act respecting the fees of county clerks and registers of deeds and mortgages in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the clerks of the respective counties in this state shall be entitled to demand and receive, for the services hereinafter mentioned, the following fees and no more:

FOR SERVICES AS CLERK OF THE SUPREME COURT CIRCUIT IN CIVIL CASES: Fees of clerk of supreme court.

For entering every action,	eight cents;
filing every nisi prius record,	eight cents;
entering every non-suit and rule,	eight cents;
every copy of a rule,	five cents;
filing every venire or distringas, and return,	five cents;
entering every appearance or default,	eight cents;
entering confession of lease, entry and ouster,	ten cents;
calling and swearing a jury,	twenty cents;
swearing each witness,	five cents;
filing every bill of exceptions,	five cents;
a copy thereof, for each sheet,	six cents;
swearing a constable to attend a jury,	six cents;

taking and entering a general verdict, fifteen cents;
entering in the minutes every special verdict or demurrer to evidence, for each sheet, eight cents;
copy thereof, for each sheet, five cents;
drawing postea, when a general verdict is found, fifty cents;
drawing postea in case of a special verdict or demurrer to evidence, for each sheet, five cents;
docketing judgment in the supreme court, forty cents;
taxing every bill of costs, thirty-five cents;

Clerk of circuit. FOR SERVICES AS CLERK OF THE CIRCUIT COURT IN FORECLOSURE CASES:

The same fees as are or may be by law allowed to the clerk in chancery for like services.

Clerk of common pleas. FOR SERVICES AS CLERK OF THE COURT OF COMMON PLEAS:

For drawing every summons, capias or other process, if he shall do it, twenty cents;
sealing every writ, ten cents;
entering every action, six cents;
entering an appearance or default, eight cents;
entering the return of a writ, eight cents;
entering every rule of court, eight cents;
a copy thereof, when required, six cents;
filing every writ, declaration, pleading or other paper, five cents;
entering every retraxit, discontinuance or non-suit, eight cents;
reading every petition and entering order thereon, ten cents;
every copy of such order, eight cents;
calling and swearing a jury, fifteen cents;
swearing each witness, five cents;
swearing constable to attend jury, five cents;

taking and entering a general verdict, five cents;
entering judgment, five cents;
docketing judgment in the supreme court, forty cents;
entering every special verdict or demurrer to evidence, for each sheet, eight cents;
copy thereof, for each sheet, five cents;
copies of writs, declarations, pleadings, records and other papers, for each sheet, five cents;
entering satisfaction on record, ten cents;
reading and entering every allowance of a writ of error, habeas corpus or other writ requiring an allowance, and returning the same, thirty cents;
entering deeds and conveyances or schedules on the record, for each sheet, five cents;

For all services upon the first application of an alien, including the oath or affirmation of such alien of his intention to become a citizen of the United States, the record and certificate thereof, delivered to such alien, twenty cents;
all services upon the completion of the proceedings necessary for any alien to become a citizen of the United States, including the record thereof, and a certified copy to be delivered to any person demanding the same, forty-five cents;

For drawing and filing recognizance, drawing license and affixing thereto the seal of the court, and making entry in the minutes of such license, in the matter of application for license for an inn

or tavern, or for the sale of malt, vinous or spiritous liquors, one dollar and fifty cents;
services in the renewal of such license, one dollar and fifty cents;

On appeals. ON ALL APPEALS HEARD AND DETERMINED IN THE COURT OF COMMON PLEAS:

For entering action and filing bond and transcript, forty cents;
every subpœna, ten cents;
entering judgment, ten cents;
swearing each witness, five cents;
entering every order or rule of court, or of a judge, ten cents;
every execution, twenty-five cents;
entering and filing every execution, fifteen cents;
calling and swearing a jury, fifteen cents;
taking and entering verdict, ten cents;
docketing judgment, and filing transcript and affidavit, fifty cents;

On petition of insolvent debtors. FOR SERVICES IN PROCEEDINGS ON PETITION OF INSOLVENT DEBTORS:

For filing and reading petition and schedule, fifteen cents;
administering every oath or affirmation, five cents;
drawing up assignment and discharge, thirty cents;
filing and recording the same, forty cents;
certificate under seal of office, twenty cents;

Applications for roads. FOR SERVICES IN THE MATTER OF APPLICATIONS FOR ROADS:

For reading and filing every application, ten cents;

entering and filing caveat,	ten cents;
entering every order for recording,	ten cents;
every copy thereof,	ten cents;
recording and filing returns of surveyors and freeholders, for each sheet of one hundred words,	ten cents;
copy of such returns, for each sheet,	eight cents;
taxing bill of costs in any proceedings in the court of common pleas,	thirty-five cents;

FOR SERVICES AS CLERK OF THE CIRCUIT COURT, CLERK OF THE COURT OF OYER AND TERMINER AND GENERAL JAIL DELIVERY, AND OF THE COURT OF GENERAL QUARTER SESSIONS OF THE PEACE, IN CRIMINAL CASES: Clerk of circuit, oyer and terminer and general quarter sessions.

For entering every indictment and filing the same,	ten cents;
every process, subpœna or other writ,	twenty cents;
sealing the same,	ten cents;
every ticket for a subpœna,	five cents;
entering an appearance or default,	eight cents;
entering a recognizance,	ten cents;
discharging by proclamation and entering the same,	ten cents;
entering and filing a plea,	eight cents;
entering the relinquishment of a plea,	five cents;
entering an order or rule of court,	ten cents;
a certified copy thereof when required,	eight cents;
calling and swearing every jury,	twenty cents;
swearing each witness,	five cents;
swearing constable to attend jury,	five cents;
taking and entering a general verdict,	ten cents;
entering every special verdict for each sheet,	eight cents;
entering judgment,	eight cents;

copies of writs, indictments, pleadings, special verdicts and other papers, for each sheet, five cents;
reading every petition, and order thereon, ten cents;
copy of such order, five cents;
searching the records, ten cents;
entering the allowance of every habeas corpus, writ of error or certiorari, and returning the same, thirty cents;
fees on appeals in bastardy cases—the same (for like services) as hereinbefore allowed on all appeals heard and determined in the court of common pleas.

No costs shall be allowed in any case where the indictment is quashed, judgment arrested or the defendant is discharged for want of prosecution.

Recording deeds, &c.

FOR SERVICES IN RECORDING DEEDS AND OTHER INSTRUMENTS, AND FOR SEARCHING THE SAME.

For recording or registering and indexing every deed, survey or resurvey, letter of attorney, agreement for the sale of land, lease, assignment of lease, every certified copy of deed authorized by law to be recorded, and every judgment, where such instrument does not contain more than ten folios, seventy-five cents;
each additional folio, seven cents;
recording or registering and indexing every mortgage or abstract thereof, and every assignment of a mortgage, where the record of such instrument does not contain more than seven folios, fifty cents;
each additional folio, seven cents;
recording or registering the certifi-

cate of the discharge of any mortgage, and making a reference to the same on the page containing the record of such mortgage, twenty-five cents;
every receipt for a mortgage, seven cents;
filing and indexing every deed required by law to be filed, ten cents;
searching the records of deeds, mortgages, wills or other records, for each book and for each name, three cents;
For recording every judgment and indexing the same, seventy-five cents;
recording every assignment of a judgment, and the proof or acknowledgment thereof and indexing the same, forty cents;
entering on the record satisfaction of any judgment, and filing any letter of attorney or other warrant or authority for so doing, twenty cents;
searching the records of judgments against each individual, for each year, three cents;
docketing any judgment, thirty-five cents;
certified transcripts of any docketed judgment, forty cents;
filing certificate of reversal of judgment and entering the same in the docket, ten cents;
For recording every writ of execution against lands, tenements, hereditaments and real estate, and indexing the same, twenty cents;
For filing each chattel mortgage and the affidavit accompanying the same, and indexing the same, ten cents;
filing each copy of a chattel mortgage and statement and affidavit accompanying the same, and indexing the same, ten cents;
searching for each chattel mortgage, five cents;

For filing and indexing every lien claim or contract, eight cents;
recording abstract of every lien claim or contract for each folio. six cents;
each search for a lien claim or contract, four cents;
filing receipts of payment of any lien claim, and entering minute thereof in lien docket, ten cents;
For certified copies or abstracts of any deed, mortgage, judgment or other instrument recorded or filed in the office of such clerk, for each folio, six cents;
drawing certificate and affixing seal, fifteen cents;
For entering and filing report of commissioners in the partition of lands, forty cents;
entering and filing report of the sale of lands, forty cents;
recording and indexing either of such reports, for each folio, six cents;
entering order of confirmation and for conveyance, thirty-five cents;
For filing and recording a certificate of partnership, or a certified transcript thereof, and the affidavits of publication of the terms of partnership, and indexing the same, one dollar;
filing and recording a certificate or amended certificate of the incorporation of any company, savings bank, or society, and indexing the same, one dollar;
filing and recording a certificate of the incorporation of any religious, literary, musical, benevolent, or charitable society, and indexing the same, fifty cents;

filing and recording the certificate of the change of the name of any incorporated company, savings bank or society, one dollar;

filing and recording the certificate or notice of the change of the name of any individual, one dollar;

recording and filing the survey of the boundary line between any two counties, or between any townships, such fees as may be taxed by the inferior court of common pleas.

For registering the name of each exempt fireman, twenty cents;

For filing and indexing any map or paper not herein specifically referred to, ten cents;

For making out and transmitting to the clerk of each township a copy of notice of election of governor or of senator (including postage), for each notice, thirty-five cents;

For services in real or mixed actions, and personal actions, removed into the circuit courts by certiorari, the same fees as are or may be by law prescribed and allowed to the clerk of the supreme court for like services.

For filing and recording each notice of lis pendens, for each folio, eight cents;

filing order of discharge, and entering discharge upon the margin of the record of the notice of lis pendens, in proceedings where the chancellor orders the land and real estate to be discharged of all equities set up in a bill of complaint, forty cents;

For filing the claim, sheriff's minutes and inquest, in attachment cases, twenty cents;

a copy thereof, when required, for each folio, six cents;
For making and filing the proceedings and affidavit, and entering the judgment in the minutes of the court, in proceedings in confession of judgment on bond and warrant of attorney, thirty-five cents;
entering the proceedings and judgment in such cases at large in the book of judgments, seventy-five cents;
sealing and recording the execution and entering and filing the execution and return of the sheriff, in such cases, fifty cents;
For filing copy of any peddler's license, and endorsing on such license a certificate of the filing of such copy, sixty cents;
For recording each certificate of the variation of the compass and appended affidavit of the correctness thereof, and for copies or abstracts of the same, and for drawing certificate and seal therefor for each folio, eight cents;
For recording certificate of the appointment of commissioners for the meadows, improvement and drainage of swamps, marshes and meadows, for each folio, eight cents;
recording surveys for the improvement and drainage of swamps, marshes and meadows, for each folio, six cents;
For recording bond of any sheriff, twenty-five cents;
For drawing, taking and filing the oath or affirmation of any person commissioned as a notary public, forty cents;
For testing or sealing any beam or scale, thirty-five cents;

testing or sealing each and every
weight or measure, ten cents;

2. *And be it enacted*, That in case any county clerk shall take any other or greater fees for the services hereinbefore specified than are by this act allowed, or shall take such fees without performing the services for which such fees are allowed, he shall, for every such offence, forfeit and pay the sum of fifty dollars, to be sued for and recovered in an action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall be aggrieved by such taking. Penalty.

3. *And be it enacted*, That the registers of deeds and mortgages in any of the counties of this state shall be entitled to demand and receive, for the services they are or may be by law required to perform, the same fees as are hereinbefore allowed to county clerks for like services. Fees of registers in counties.

4. *And be it enacted*, That the clerks of the respective counties in this state and the registers of deeds and mortgages in any of the counties of this state, shall severally keep a true record of all the fees and compensation received by them for their own use under the provisions of this or any other act, and they shall make a report, under oath, to the county collectors of their respective counties, on the first day of July next, and quarterly thereafter, of the gross amount of all such fees and compensation so received by them during the next preceding quarter; any such clerk or register who shall fail to make such quarterly report to the county collector of his county shall be liable to a penalty of one hundred dollars for every such failure, which penalty shall be sued for and recovered in an action of debt in any court of competent jurisdiction, by the county collector of the county for the use of the county, and it is hereby made the duty of such collector to sue for said penalty. Record of fees and compensation received to be kept and reports to be made quarterly. Penalty.

5. *And be it enacted*, That all acts and parts of acts inconsistent with any of the provisions of this act, be and the same are hereby repealed, in so far as they are inconsistent herewith, and this act shall be deemed and taken to be a public act, and shall take effect immediately; saving and excepting that so far as the same increases or reduces the fees, compensation or allowances of any of the officers herein named, now in office, it shall take effect Repealer. Not to affect present officers.

only upon and immediately after the end of the present term of office of any of such officers, or upon the election of their respective successors.

Approved March 10, 1879.

CHAPTER LXIX.

An Act relating to the fees of sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the sheriffs of the respective counties of this state shall be entitled to demand and receive, for the services hereinafter named, the following fees as compensation, and no more, to-wit:

Fees.

For transporting offenders to the state prison, including sustenance, for a
single offender, twenty cents per mile;
two offenders, fifteen cents per mile, for each one;
three or more offenders, ten cents per mile, for each one;

when a sale is made by virtue of an execution, on all sums of one thousand dollars and less, one per centum on the amount of the sale; on all sums over one thousand dollars, and not exceeding three thousand dollars, one-half of one per centum on the amount of the sale; and on all sums over three thousand dollars, one-quarter of one per centum on the amount of the sale; when the execution is settled without actual sale, and such settlement is made manifest to the sheriff, he shall be entitled to the one-half of the amount of percentage above allowed in cases of sale, and no more.

For summoning a special jury, two dollars;
summoning a jury of view, when not a special jury, one dollar;
attending with a prisoner before a judge on his being surrendered by, or in discharge of his bail, and receiving him into custody, one dollar;

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, in so far as they are inconsistent herewith, and this act shall be deemed and taken to be a public act, and shall take effect immediately; saving and excepting that so far as the same increases or reduces the fees, compensation or allowances of any sheriff now in office, it shall take effect only upon and immediately after the end of his present term of office or upon the election of his successor. Repealer. Not to effect sheriffs now in office.

Approved March 10, 1879.

CHAPTER LXX.

A Supplement to the act entitled "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act fixing the compensation of certain public officers of the state," which act was approved March sixteenth, one thousand eight hundred and seventy-six, and which section reads as follows:

"3. *And be it enacted*, That the public officers of this state hereinafter mentioned, shall receive no salaries, but shall be entitled to receive the fees following for the services hereinafter specified, and no further or other fees; that is to say: the secretary of state shall be entitled to receive the same fees which he is now entitled by law to receive, as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court and register in the prerogative office, clerk of the court of pardons, and commissioner of insurance. Section to be amended recited.

Clerk in chancery.

The clerk in chancery shall be entitled to receive:

For entering an action,	fifteen cents;
For filing each pleading or other paper,	nine cents;
For copies and enrolling proceedings, for each folio of one hundred words,	six cents;
For entering every rule,	fifteen cents;
For every commission issued,	one dollar;
For setting down a cause for hearing,	thirty-eight cents;
For taxing a bill of costs,	thirty-eight cents;
For commissions on deposits, if under one hundred dollars, three-fourths of one per centum; if over one hundred dollars, and under one thousand dollars, three-eighths of one per centum on such excess; if over one thousand dollars, three-sixteenths of one per centum on the excess;	
For searching the records, for each book, for each name,	three cents;
For drawing a certificate and seal,	fifteen cents;
The clerk of the supreme court shall be entitled to receive:	
For sealing every writ,	ten cents;
For entering an action,	eight cents;
For entering an appearance on default,	ten cents;
For entering the return of a writ,	ten cents;
For entering every rule,	twelve cents;
For filing every writ, pleading or other paper,	six cents;
For entering a retraxit, discontinuance or non-suit,	eleven cents;
For entering a postea,	fifteen cents;
For entering a judgment,	nine cents;
For entering satisfaction on record,	fifteen cents;
For copies and recording judgments, for each folio of one hundred words,	six cents;
For taxing a bill of costs,	thirty-eight cents;
For drawing a certificate and seal,	fifteen cents;
For searching the records, for each book, for each name,	three cents,"

be and the same is hereby amended to read as follows:

3. *And be it enacted*, That the secretary of state shall receive a salary of six thousand dollars per annum, together with an allowance of four thousand dollars per annum for clerical assistants to be paid by the treasurer upon the warrant of the comptroller, which said salary shall be a full compensation for all services rendered by the said the secretary of state, as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court, and register in the prerogative office, clerk of the court of pardons, and commissioner of insurance, or in any other official capacity whatever and for all clerk hire, save and except, that the assistant secretary of state shall continue to receive the salary now provided by law for his services, and all fees now payable by law to him as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court, register in the prerogative office, clerk of the court of pardons or commissioner of insurance, or in any other official capacity whatever, shall be collected by him, and a statement thereof in detail, verified by oath, shall be submitted quarterly to the comptroller, and when audited by him filed with the state treasurer; and the said secretary of state shall within ten days thereafter pay over the amount of such fees to the state treasurer, under a penalty of five hundred dollars for each day's neglect to file such certificate and to pay over such moneys, to be recovered in the name of the treasurer of the state of New Jersey for the use of the state in an action of debt, in the New Jersey supreme court: Amendment. Secretary of state.

The clerk in chancery shall receive no salary whatever, but shall be entitled to receive as fees: Clerk in chancery.

For entering an action,	ten cents;
For filing each pleading, or other paper,	six cents;
For copies and enrolling proceedings, for each folio of one hundred words,	six cents;
For entering every rule,	ten cents;
For every commission issued,	one dollar;
For setting down a cause for hearing,	twenty-five cents;
For drawing, engrossing, taxing and filing each bill of costs,	fifty cents;
For entering appearance of defendant,	ten cents;
For entry of every dismission,	ten cents;

For drawing, entering and filing appearance of each infant defendant, fifty cents;
For searching the records, for each book, for each name, two cents;
For drawing a certificate and seal, ten cents;

Commissions on deposits.

For commission on deposits, if under one hundred dollars one half of one per centum; if over one hundred dollars and under one thousand dollars, one-quarter of one per centum on such excess; if over one thousand dollars, one-eighth of one per centum on such excess;

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Provided, that if upon any paper filed there be endorsed any return, affidavit of service, or of non-residence, or statements of sheriffs on executions, or masters' fees, or other matter, but one fee for filing such paper with such matter endorsed thereon, shall be allowed; and the clerk of the supreme court shall be entitled to receive no salary whatsoever, but shall be entitled to receive as fees:

Clerk of the supreme court.

For sealing every writ, eight cents;
For entering an action, five cents;
For entering an appearance on default, eight cents;
For entering the return of a writ, eight cents;
For entering every rule, ten cents;
For filing every writ, pleading or other paper, four cents;
For entering a retraxit, discontinuance or non-suit, eight cents;
For entering a postea, ten cents;
For entering a judgment, six cents;
For entering satisfaction on one record ten cents;
For copies and recording judgments, for each folio of one hundred words, six cents;
For taxing a bill of costs, twenty-five cents;
For drawing a certificate and seal, twelve cents;
For searching the records, for each book, for each name, two cents;

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be a public act and take effect immediately; saving and excepting that so far as the same increases or reduces the per centage or allowance of any public officer now in office, during the term for which such officer was elected or appointed, it shall take

Not to effect present officers.

effect only upon and immediately after the end of such term.

Approved March 10, 1879.

CHAPTER LXXI.

A Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is a supplement, and which reads as follows:

"5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee, and shall be signed by the chairman thereof and countersigned by the treasurer, and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing a majority in number and amount of the taxpayers, as aforesaid, and taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed; and before the issuing of the bonds as hereinafter provided, said petition and affidavits shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall

Section to be amended recited.

Proviso.

be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words 'for the above resolution,' or 'against the above resolution,' which vote may be taken either at the annual town meeting, or at a special town meeting to be called by the said committee for that purpose," shall be amended so as to read as follows:

Section as amended.

5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee or common council of any incorporated town or borough, and shall be signed by the chairman thereof and countersigned by the treasurer and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing not less than one-third in number of the taxpayers of the said town or township; *provided, however*, that said one-third in number of said taxpayers shall represent a majority in amount of the taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed, and before the issuing of the bonds as hereinafter provided, such petition and affidavit shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or

Proviso.

Proviso.

printed the words "for the above resolution" or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said committee for that purpose.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

CHAPTER LXXII.

An Act to provide means for protection against fires in townships.

Legal voters to determine amount of money to be raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote for and determine an amount of money to be raised by tax for a fire appropriation; *provided, however*, that the number of inhabitants in such township shall be not less than thirty-five hundred, as ascertained by the last census preceding such vote and determination, taken under the authority of the United States, or of this state.

Proviso.

Amount of appropriation.

2. *And be it enacted*, That the first appropriation to be voted and determined by any township which shall avail itself of this act, shall not exceed the sum of five thousand dollars; and that the amount of any succeeding annual appropriation after the first shall not exceed the sum of two thousand five hundred dollars.

Township committee to make provision for extinguishing fires.

3. *And be it enacted*, That it shall be lawful for the township committee in any township in which a fire appropriation shall be made under the provisions of this act, to expend the same in providing and maintaining means for extinguishing fires in such township; and to this end, they may construct wells, cisterns and reservoirs,

purchase apparatus, lease lands or buildings and purchase real estate and erect buildings for the accommodation of the fire apparatus, in the corporate name of the township.

Rules and regulations.

4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time, as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient: *provided*, that the provisions of this act shall not apply to counties in this state having by the last state census a population of less than one hundred thousand inhabitants; *provided*, that this act shall not be construed to abolish, or in any manner affect any fire company heretofore incorporated under the laws of this state.

Proviso.

Proviso.

Township committies may fix bounds of fire district.

5. *And be it enacted*, That for any village or district located within a township or townships, that neglect or refuse to take action under the provisions of this bill, it shall be the duty of the township committee, on the application of at least twenty freeholders of such village or district, to lay off, by metes and bounds, such village or part of township, as may be desired, into a fire district, and such village or part of township shall have all the rights and powers hereby conferred upon the townships.

Election of directors &c.

6. *And be it enacted*, That the legal voters of a district so organized, shall meet annually on the second Thursday of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of five directors, who, when elected, shall possess, within said district, all the rights and powers of the township committee under this act.

Money to be raised by tax.

7. *And be it enacted*, That the money voted at the annual district meeting shall be assessed on the value of the buildings and contents within said district, and collected as the taxes of the township are now collected, and be under the control of, and expended by the board of directors for the purposes specified in section three.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

CHAPTER LXXIV.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for soliciting or receiving money for votes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any state, county or city government, or any member of any public board, association or commission, shall hereafter solicit or receive, either directly or indirectly, any money or valuable consideration for his vote in the appointment of any person or persons to any position in any department of any public body aforesaid, the person or persons so offending shall be deemed and taken to be guilty of misdemeanor, and on conviction thereof, be punished by fine or imprisonment, or both; said fine not to exceed one thousand dollars, nor such imprisonment one year, and be forever thereafter debarred from holding any office of profit, trust or emolument in this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

CHAPTER LXXV.

Supplement to an act entitled "An act for the preservation of fish," approved April third, one thousand eight hundred and seventy-eight.

Fishing with nets &c., prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this act is a supplement shall be so amended that it shall be unlawful for any person or persons, firm or corporation, to use or operate any pound, purse, net, seine or seines, at any time of the year in the Shrewsbury or Navesink river, or the north or south branches of the said river.

Boundaries described.

2. *And be it enacted*, That for the purpose of this act the Shrewsbury or Navesink river shall be held to begin at the present most inland part of their respective waters and to extend to the mouth of the river to a line drawn east and west from the point of Spermaceti cove on Sandy Hook in the county of Monmouth; *provided*, that nothing in this act shall be construed to prohibit persons from using fike nets, or crab nets known as scapp nets, or gill nets not exceeding sixty feet in length.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

CHAPTER LXXVI.

An Act relative to the names of insurance companies.

Not to use name of any organization now existing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no fire, life, marine or other insurance company hereafter organized under the laws of this state, shall have or use a corporate name or title which shall at the time of such organization be used to designate any fire, life, marine or other insurance company already existing under the laws of this state, or of any other state authorized to do business in this state; and it shall be the duty of the secretary of state to reject any name which he shall deem to be so nearly similar to any already in use as aforesaid, as to lead to confusion or uncertainty on the part of the public.

Secretary of state to withhold certificate

2. *And be it enacted*, That it shall be the duty of the secretary of state to withhold any certificate of authority for the transaction of business within this state, now required by law to be made by him, from any insurance company hereafter to be organized under the laws of this state, and from any insurance company organized under the laws of any other state, hereafter applying for authority to transact business within this state, which shall not comply with the provisions of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

CHAPTER LXXVII.

An Act to provide for the collection and care of specimens of artistic pottery, porcelain and glassware for industrial and scientific purposes.

Governor authorized to procure specimens of pottery, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to procure in the name of the state, by gift or loan, a collection of objects of suitable designs in pottery, porcelain and glass, to serve as models and objects for the aid and instruction of potters, glass makers, designers, decorators and students; and the governor is hereby authorized to cause to be prepared a suitable room in the state house for the care and preservation of the said collection; and the said room shall be kept open at reasonable hours so that the said collection shall be at all proper times subject to examination by artists, designers, manufacturers and the public at large.

Expenses, how paid.

2. *And be it enacted*, That the expenses incurred by the governor in procuring the said collection shall be paid by the state treasurer on the warrant of the comptroller; *provided*, that the sum of the expense so incurred shall not exceed one thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

CHAPTER LXXVIII.

A Further Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, anno domini one thousand eight hundred and forty-six.

Election of overseers of the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, there shall be elected but one overseer of the poor in and for each township in this state, at the annual town meetings for the election of township officers.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXX.

An Act to increase the jurisdiction of justices of the peace.

May have jurisdiction in cases of sums not exceeding two hundred dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every suit of a civil nature at law where the debt, balance or other matter in dispute does not exceed, exclusive of costs, the sum or value of two hundred dollars, shall be and hereby is made cognizable in any court for the trial of small causes of this state where the same may be heard and determined according to law; *provided always*, that this act

Proviso.

shall not extend to any action of replevin, slander, trespass for assault and battery or imprisonment, nor to any action wherein the title to any lands, tenements, hereditaments or other real estate shall or may in anywise come in question, nor to any cause of action over which any district court of this state now has or hereafter may have exclusive jurisdiction; *and provided further*, that it shall be at the option of the plaintiff in any suit at law to bring his action in the circuit court; *and provided further*, that no justice of the peace in any city where a district court now exists, shall exercise jurisdiction over any cause cognizable in such district court.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, except such acts or parts of acts as give to certain district courts jurisdiction over suits mentioned in the first section of this act, in the cities wherein such district courts now exist or may hereby be established.

Fees, &c.

3. *And be it enacted*, That it shall not be lawful for any justice of the peace to issue any summons, writ of attachment or other process for or on behalf of any person for whom he is agent or attorney in fact, nor to take any fee or reward for any such service, or for receiving and paying over any moneys paid to him by any defendant in any suit instituted in his court, or for writing out or preparing, or assisting in preparing or writing out any state of demand, bill of particulars, set-off or counter-claim or affidavit, plea of title, or other paper necessary or proper to be made use of in the progress of any suit or proceeding in his court; *provided*, that any justice may charge and receive not more than twenty-five cents for writing out or preparing any state of demand on a book account, or drawing up an affidavit; any justice of the peace violating the provisions of this section, shall be liable to a penalty of twenty-five dollars, to be sued for and recovered in any court of competent jurisdiction by any person who may sue for the same.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXXI.

A Supplement to an act entitled "An act concerning the registry and returns of marriages, births and deaths," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections two, three, four, seven, ten, twelve and fifteen of the act to which this is a supplement, which read as follows:

Section to be amended recited.

"2. *And be it enacted*, That it shall be the duty of the physician, midwife, or other person present at the birth of every child born, and in case there be no physician or midwife present, it shall then be the duty of the parent, to report in writing to the proper officer, within thirty days thereafter, the following particulars as far as known: the day of the month and year, the precise place of residence, the names of both parents and the maiden name of the mother, the birthplace, residence and occupation of the parents, the sex and color of the child, and its name, if it be named, also the name of the attending physician; any person herein required to make report of any birth and failing to do so, shall be liable to a penalty of five dollars for each offence; *provided*, that a report made by any one of the persons present shall relieve the others from the obligation of making such report," be amended so it shall read as follows:

Section as amended.

Duty of physician, &c.

2. *And be it enacted*, That it shall be the duty of the physician, midwife or other person present at the birth of every child born, and in case there be no physician or midwife present it shall be the duty of the parent, to report in writing to the proper officer, within thirty days thereafter, the following particulars as far as known: the day of the month and year of the birth, the precise place of residence, the names of both parents, and the maiden

name of the mother, the birthplace, residence and occupation of the parents, the sex and color of the child, and its name, if it be named, also the name of the attending physician, under a penalty of thirty dollars; *and it is also provided*, that any assessor of a township at the time of his annual assessment, in case he finds any return of birth not made as herein provided, may fill out the certificate of the same on the usual blank signed by himself as assessor and marked "special return," and said return shall be valid as record of the birth, but shall not excuse the attendant for neglect of return.

Proviso.

Section to be amended recited.

"3. *And be it enacted*, That no sexton, undertaker or other person shall hereafter bury within this state, or bring into or remove from this state the body of any deceased person, without having first received a permit from the proper authority of the county, city or township wherein such person may have died, or to which he may be brought from another state for burial, and if so doing, said sexton, undertaker or other person shall be liable to a penalty of fifty dollars," shall be amended to read as follows:

Section as amended, as to sexton or undertaker.

3. *And be it enacted*, That no sexton, undertaker or other person shall hereafter bury within this state, or bring into or remove from this state, the body of any deceased person, without having first received a permit from the proper authority of the county, city or township wherein such person may have died, and if so doing, said sexton, undertaker or other person shall be liable to a penalty of fifty dollars; *provided*, that in burying any deceased person who died in any township in this state outside of city limits, or county health board limits, the certificate of any regularly graduated physician of the township wherein the person died, shall be held by the sexton or undertaker as the only necessary burial permit, to be disposed of by him as hereinafter provided.

Proviso.

Section to be amended recited

"4. *And be it enacted*, That in case of any person dying within this state, it shall be the duty of the physician who may have attended him during his last illness, or in case there has been no physician in attendance, of the coroner or county physician, after view or examination had, to furnish, on the application of the undertaker, or any member of the family, a certificate of death of said

person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, precise place of death, and the cause of death of said decedent, according to the best of his knowledge; and if any physician or coroner refuses or neglects to make such certificate, he shall be liable to a penalty of ten dollars; this certificate shall then be delivered to, and filed with the proper officer, as hereinafter designated; and said officer shall thereupon issue a permit for burial to the person filing such certificate," be amended so that it shall read as follows:

Section as amended.

4. *And be it enacted*, That in case of any person dying within this state, it shall be the duty of the physician who may have attended him during his last illness, to furnish the undertaker, or any member of the family applying therefor, a certificate of the death of said person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, place of death and the cause of death, according to the best of his knowledge, and said certificate shall constitute all the necessary burial permit in any township of the state, outside of city or incorporated or county health board limits, and the undertaker shall, within five days after said burial, send the same, by mail or otherwise, to the assessor of the township in which the deceased died, under a penalty of fifty dollars, as herein provided; *and furthermore it is provided*, that any undertaker residing in an incorporated city or town may present the certificate of death, in case of *any burial* which he is superintending, to the city clerk or other proper officer of said city, and receive the usual permit as issued by it, on condition that said clerk shall at once transmit said certificate to the assessor of the township in which the person died, and in case there has been no physician in attendance, some member of the family, if there be any present, if not any one present, shall notify a physician of the death at once, and the physician shall proceed to view the dead body and ascertain all the facts necessary, and, if satisfied of the cause of death, grant the township certificate for burial, and, if not satisfied, shall send at once for the county coroner, or county physician, or justice of the peace, who shall take charge of the body and investigate

Relative to certificates of death.

Proviso.

the same, and, if any person present at the death of any person shall refuse or neglect to comply with the requirements of this act, they shall be liable to a penalty of ten dollars, and the physician shall receive one dollar for viewing a dead body and granting the burial certificate; providing said physician has not been in regular attendance on the deceased, if so, no extra charge shall be made by said physician.

Proviso.

Section to be amended recited

"7. *And be it enacted*, That the proper officer to receive the certificates of marriages, births and deaths, and to grant permits for burial, shall, in any incorporated city or borough in which there may be an officer charged with these duties, and in any county having a similar officer appointed by a county board of health now organized, be such person as said incorporated city or county board of health has authorized or may authorize, but in every other case shall, for cities, be the city clerk or clerk of the board of aldermen or common council, and, for township, be the assessor of the township," be amended so as to read as follows:

Section as amended.

Relative to burial permits, &c.

7. *And be it enacted*, That the proper officer to receive the certificates of marriages, births and deaths, and to grant permits for burial, shall, in any incorporated city or borough, be the city clerk or other officer charged with these duties, and in any county having a similar officer appointed by a county board of health now organized, be such person or persons as said incorporated city or county board of health has authorized or may authorize, and in townships the assessor, but in townships outside of city or incorporate, or county health board limits, the burial certificate given by any regularly graduated physician shall constitute the burial permit as herein provided.

Section to be amended recited.

"10. *And be it enacted*, That such assessor, clerk or other officer, upon receiving a certificate from the secretary of state as to the whole number of marriages, births and deaths returned as aforesaid shall be entitled to receive from the collector of the township or other proper disbursing officer five cents for each marriage, birth or death so returned, the receipt for which shall be attached to the said certificate, and no payment shall be made unless such certificate be produced," shall be amended to read as follows:

10. *And be it enacted*, That such assessor, clerk or other officer, upon receiving a certificate from the secretary of state as to the whole number of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the collector of the township or other proper disbursing officer, ten cents for each marriage, birth or death so returned, the receipt for which shall be attached to the said certificate, and no payment shall be made unless such certificate be produced. Section as amended. Fees.

"12. *And be it enacted*, That after the publication of the annual report of the board of health, the secretary of state shall send to the clerk of the court of common pleas of each county all the returns received from their respective counties during the year, to which the report relates; and thereupon said clerk shall arrange alphabetically, index and file away for preservation said returns, keeping each class, births, marriages and deaths, distinct and separate, and also the index and returns for each year separate; for this service the said county clerks shall receive three cents for each certificate filed and indexed from the treasury of their respective counties; *provided*, that in counties where by the laws of this state there are established boards of health and vital statistics, said information shall be transmitted to the clerks of said board, who shall perform the same duties and receive the same fees therefor as the clerk of the court of common pleas in other counties," be amended so as to read as follows: Section to be amended recited.

12. *And be it enacted*, That at the publication of the report of vital statistics, the superintendent thereof shall have caused all returns of marriages, births and deaths for the year to which the report relates to be arranged and alphabetically indexed, keeping each class of marriages, births and deaths distinct and separate, and also the index and returns for each county and for all cities of over five thousand inhabitants within said county; and the same shall be kept on file with the archives of the office of the secretary of state, and for the clerical service needed the comptroller is authorized to pay the same amount as is now provided to be paid to county clerks for the same service, payable on the order of the secretary of state; and in the case of any county now having a county board of health, or of any city of over thirty Section as amended. Duty of superintendent of vital statistics.

thousand inhabitants, the clerk of said county or of the city board shall also keep an indexed registry, and shall receive from the proper authorities of said county or city an amount for each name so registered equal to that heretofore allowed for such index and registry.

Section to be amended recited.

"15. *And be it enacted*, That the secretary of the state, or the state board of health shall prosecute, by an action of debt, in the name of the state, for the recovery of any penalty or forfeiture imposed by this law," be amended to read as follows:

Section as amended.

15. *And be it enacted*, That in case any of the persons designated in this law to make or transmit returns shall fail so to do, they shall be liable at suit at common law to the amounts heretofore named, but said suit must be brought by a state, city or township board of health, or township committee in the state, and one-half of the amount recovered shall be paid to the usual disbursing officer of the city or township, and the rest shall belong to the board or committee bringing the action.

2. *And be it enacted*, That this act shall take effect the first day of April, one thousand eight hundred and seventy-nine.

Approved March 12, 1879.

CHAPTER LXXXII.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Publication of notices of election and registry.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the notices of election and registry required to be given by the act to which this is a supplement, shall not hereafter be published in any newspaper, whether daily or weekly, published in any city or county of this State, unless said newspaper has

been published for one year continuously prior to the time when said notices are required to be published.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXXIII.

An act to authorize the purchase of goods and chattels at sale for delinquent taxes.

City or township authorized to purchase.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the sale of goods and chattels of delinquent taxpayers for the non-payment of taxes, if there shall be no purchaser or purchasers of the said goods and chattels so exposed for sale, then it shall be lawful for any officer of any city or township attending the sale so made, to purchase the same for the benefit of said city or township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXXIV.

An Act concerning cities having less than ten thousand inhabitants and more than six thousand inhabitants.

Cities that may adopt provisions of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city in this state having less than ten thousand inhabitants and more than six thousand, according to the last preceding census,

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taken by authority of this state or of the United States, may adopt the provisions of this act in the manner hereinafter provided; the common council of such city may at any time provide by ordinance for the holding of an election by the legal voters thereof, for the purpose of deciding whether such city will adopt this act as its charter; and it shall be the duty of such common council to pass such ordinance whenever fifty or more of the legal voters of such city shall petition therefor; such election shall be by ballot and shall be conducted, as far as may be, in the usual manner of holding elections in such city; and such ordinance shall prescribe the time and place or places of such election, and shall contain such other regulations respecting the same as may be deemed necessary or proper; notice of such election shall be given at least thirty days prior thereto, by advertisements published in two newspapers printed in such city, if so many there be, and by printed notices put up in at least five public places in such city; if a majority of the votes cast at such election shall be in favor of adopting this act, then the mayor shall within ten days thereafter cause a certificate of the result of such election, signed by himself and the city clerk, and attested by the seal of the city, together with a certified copy of the said ordinance, and proof by affidavit that due notice of such election has been given, to be filed in the office of the secretary of state; and from the time of such filing the provisions of this act shall be the charter or form of government of such city, and shall so remain until changed according to law, notwithstanding any subsequent increase in the population of such city; *provided*, that no election shall be held under the provisions of this section more than once in any one year.

Mode of procedure.

Proviso.

2. *And be it enacted*, That any city adopting this act shall continue to be a body politic and corporate in fact and in name, and shall have perpetual succession, with all the grants, powers, and privileges theretofore held by the said city and not modified or repealed by the provisions of this act; and all acts and parts of acts in so far as they are inconsistent with the provisions of this act when the same shall have been adopted in any city, are hereby superseded so far as they relate to such city,

Relative to modification and repeal of grants, powers and privileges.

and such acts or parts of acts are to that extent only repealed; this act or the adoption thereof by any city, shall not prejudice or affect any right accrued or legal proceeding commenced, by reason of anything contained in acts or parts of acts hereby superceded or repealed, and so accrued and commenced before this act takes effect by adoption in said city, except so far as herein specially provided for; the ordinances of the common council of any city adopting this act, in force at the time of such adoption, are hereby revived and continued in full force as city ordinances, subject to modification, amendment or repeal by the common council of such city. Ordinances, &c.

3. *And be it enacted*, That in all the following sections of this act, the words "the city" or "said city," shall be held to mean any city which shall have adopted this act as aforesaid, and the words "the county" shall be held to refer to the county where such city is situated. Certain words defined.

4. *And be it enacted*, That if the city shall have more than six thousand inhabitants, according to the last preceding census, and shall not have been divided into wards, it shall be the duty of the common council as soon as practicable after the adoption of this act, to pass an ordinance dividing the city into wards and fixing the boundaries thereof, but such division shall not be made within sixty days immediately preceding the annual election of city officers; the common council shall also have power to pass ordinances changing the boundaries of wards and the numbers by which they may be designated, and creating new wards. Division of city into wards.

5. *And be it enacted*, That the annual election shall be held on the first Tuesday of December in each year, at such place or places as the common council shall appoint; the city clerk shall, at least ten days prior to such annual election, cause an advertisement to be set up in at least five public places in the city, and to be published in two newspapers, if so many there be printed therein, specifying fully the officers to be elected, and the time and place or places at which such election is to be held. Time of holding annual election.

6. *And be it enacted*, That the poll of such election shall be opened and closed at the time appointed by law, and the judges and inspectors of election in each election Time of opening and closing polls.

district shall be the officers of said election; and in case of the absence, death, disability or refusal to serve, of any of said officers of election on the day of election, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies; that the name of each voter at such election shall be written on the poll list by the clerk, and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for the terms specified in this act.

Result of election to be certified.

Who may vote.

7. *And be it enacted*, That all persons residing in said city, entitled to vote by the constitution of this state at elections by the people, shall be entitled to vote at all elections under this act, and the said citizens so entitled to vote, shall be capable of holding any office in the city; *provided*, that no person shall be elected or serve as mayor or common councilman, unless he shall have resided in said city at least one year immediately preceding said election.

Proviso.

Officers to be elected annually.

8. *And be it enacted*, That at every annual election, there shall be chosen from among the citizens at large one assessor, one collector, one treasurer, two chosen freeholders, two constables and three commissioners of appeals, all of whom shall hold office for one year; the mayor shall be elected biennially, and shall hold office for two years; the city judge shall be elected triennially, and shall hold office for three years; in cities not divided into wards, there shall be elected, by and from the citizens at large, eleven members of the common council; in cities divided into wards, the members of the common council shall be elected by and from among the citizens of the several wards, except as hereinafter otherwise provided; if there are two wards there shall be five councilmen from each ward; if there are three or four wards, there shall be three councilmen from each ward; if there are more than four wards, there shall be two councilmen from each ward; whenever the whole number of coun-

Election of mayor.

City judge.

Members of common council.

cilmen elected from the wards shall be an even number, there shall be one additional member of the common council elected by the citizens of the city at large; the term of office of members of the common council shall be one year; at the first annual election held after the adoption of this act, there shall be elected by and from among the citizens at large, four excise commissioners, who, together with the mayor, shall constitute a board of excise, which board shall, at its first meeting, decide by lot which two of its members, other than the mayor, shall hold office for one year, and which two for two years; and at every subsequent annual election there shall be elected two excise commissioners, whose term of office shall be two years; there shall be elected at every annual election one judge of election, one clerk of election and two inspectors of election for each polling district in said city; in cities not divided into wards the judges, clerks and inspectors of election shall be elected by and from the citizens at large; in cities divided into wards such officers shall be elected by and from among the voters of each ward for each of the polling districts in such ward; until the division of the city into wards, justices of the peace shall be elected according to the law applicable thereto before the adoption of this act by such city; after such division there shall be elected by and from among the citizens of each ward, in cities having not more than five wards, one justice of the peace, who shall hold office for five years from the first day of May next succeeding his election; *provided*, that any city which may, at the time of the adoption of this act, have its full number of justices of the peace, shall elect no justices of the peace at any annual election unless before the next annual election the number of justices in office will be less than the number required by this act, and then only so many shall be elected as shall be necessary to supply such deficiency; vacancies that have occurred or may be about to occur, shall be filled from the different wards in their numerical order, beginning with ward number one; and after each ward shall have elected a justice of the peace, an election to fill this office shall only be held in each ward when a vacancy has occurred or will, by the expiration of a term of office before the next annual election

Election of councilman at large.

Term.

Election of excise commissioners.

Term of office.

Election officers.

Justices of the Peace.

Proviso.

occur therein; the several justices of the peace shall hold their courts in the wards from which they are respectively elected; the terms of office of all officers except justices of the peace and chosen freeholders shall begin at noon on the first Monday of January next after their election.

Persons now in office to hold until term expires.

9. *And be it enacted*, That officers who may have been elected before the adoption of this act shall hold their offices respectively for the terms for which they were elected, and until the terms of office of their respective successors shall begin.

Powers and duties of the mayor.

10. *And be it enacted*, That the mayor shall be the chief executive officer of the city, and shall see that the laws of the state and ordinances of the city are faithfully observed therein; he may recommend the common council to pass such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and in case of a riot or tumultuous assembly, may take command of the police force of the city to suppress it; in case of persons violating, or being suspected by him of violating any criminal laws of this state, or penal ordinance of the city, he shall possess the same power and authority which justices of the peace possess in criminal cases; he shall sign all licenses directed to be issued by the common council, and no bonds, obligation or other evidence of indebtedness issued by the city shall be valid unless signed by him; he shall nominate and by and with the advice and consent of council appoint one chief of police and as many regular and special policemen as the common council may by ordinance direct; the policemen to be selected, as nearly as may be, in equal numbers from the different wards; in case of emergency, he may appoint as many additional special policemen as he may deem necessary, which last mentioned appointments shall be reported to the common council at its next meeting; he shall also nominate, and by and with the advice and consent of the council, appoint the corporation counsel, street commissioner, overseer of the poor and all officers of the city whose election or appointment is not in this act otherwise provided for.

Police.

Time of meeting of common council for organization.

11. *And be it enacted*, That the duly elected members of the common council of said city shall meet in the council chamber on the first Monday in January, at the hour of eight p. m., for the purpose of organizing for the transaction of business, and should the said common council not then organize it shall be the duty of the city clerk to call the members together for that purpose within ten days thereafter.

Members of common council, their powers.

12. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have power to appoint the city clerk and janitor of the council chamber, to hold a common council within said city, at such time and place as may be appointed by the ordinances and resolutions of the said common council, to meet upon their own adjournments and to call special meetings by request of any three members of said council in writing, addressed to the clerk of said council, or by order of the president of said council, and that the whole legislative power of the corporation of said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of a majority of all the members of said common council, and unless the same shall have been introduced before the said common council at a previous meeting.

Proviso.

Ordinances and by-laws.

13. *And be it enacted*, That it shall and may be lawful for the common council of said city to pass such ordinances or by-laws as to them shall seem meet and necessary for regulating, levelling, grading, paving, macadamizing, gravelling, cleansing and keeping in repair the streets, roads, highways, alleys and crosswalks in said city;

For regulating, paving and grading streets, &c.

Obstructions.

For preventing or removing all obstructions, encroachments, encumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in said city;

Grades, &c.

For ascertaining and establishing the grades and boundaries of all streets, alleys and sidewalks in said city;

Surveys, &c.

For causing the territory embraced within the boundaries of said city to be accurately surveyed and mapped for roads, streets and avenues; and

Lamps and police districts. For establishing lamp and police districts within said city, and provide for assessing within each respective district the cost of lighting and maintaining police patrol, either or both, within such districts;

Curbing, grading and paving sidewalks. For curbing, grading, paving, flagging, gravelling, cementing or planking sidewalks in said city;

Removing nuisances. For preventing or removing all obstructions, impediments, encumbrances or nuisances on any street or street crossing, caused by any railroad company or its agents;

To prevent driving on sidewalks. For preventing persons from riding, driving or passing over or upon the sidewalks, except when necessary to cross the same with horses, wagons, carts or carriages of any description;

Lighting streets. For lighting the streets and alleys in said city;

To prevent animals running at large. For preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine.

Immoderate driving. For preventing the immoderate riding or driving through or in any street or alley of said city;

Removal of snow and ice. For keeping sidewalks and gutters free from snow, ice and other impediments, and for strewing sidewalks, when necessary, with ashes or other suitable material;

Board of health. To enact health laws and establish a board of health;

Relief of poor. To provide for the relief of the poor, and for the establishment, maintenance and management of an almshouse or workhouse and a city hospital.

Prevention of disorderly assemblages. For preventing or suppressing any riots, routs, disturbances, breaches of the peace or disorderly assemblages, in any street, alley, house or place in said city;

For sinking and regulating pumps, wells and cisterns in the streets or enclosures of said city for the extinguishing of fires;

For regulating fire-engine, hose and truck companies;

For prevention and suppression of fires. For the prevention and suppression of fires;

For regulating the keeping of gun-powder and other combustible or dangerous materials;

For cleansing of chimneys and regulating the same;

Powers, &c., of police. Prescribing the number, powers, duties and compensation of policemen, regular and special, and other subordinate officers;

Weights and measures. For regulating weights and measures;

Public pounds. For establishing and regulating one or more public pounds;

For restraining vagrants, mendicants and street beggars; Vagrants.

For erecting, repairing and regulating a city hall and city jail; City hall and jail.

For assessing and collecting taxes; Assessing taxes, &c.

For regulating and conducting city elections; Elections.

For preserving peace and good order; Peace and order.

For preventing and suppressing all gaming and disorderly houses; Suppressing gaming, &c.

For regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires or otherwise to endanger the health or well-being of the inhabitants of said city; Prevention of dangerous trades or business.

To regulate and control the manner of erecting dwelling-houses and other buildings, and to prohibit within certain limits, to be from time to time by it prescribed, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible materials; Erection of dwellings, &c.

To prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; To prevent danger from fires, &c.

For the sewerage or drainage of said city; Sewerage and drainage.

For laying down pipes for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said city, and for regulating the same; For conveying water or gas.

For the protection of trees, buildings and fences from mutilation or defacement; Protection of trees, &c.

For preventing and punishing injuries to public lamps and lamp posts; Injuries to lamps.

For abating and removing nuisances of every kind, and for compelling the owner or occupants of any premises wherein may be carried on any business, operation or calling, or in or upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants of said city, or any part thereof, to cleanse, remove, disinfect or abate the same as often as may be necessary, at the expense of such owner or occupants; Abating nuisances.

For offering and paying rewards for the apprehension and conviction of criminals, or violations of any of the city ordinances; Rewards for apprehension for crime.

Suppression of vice, &c. For the suppression and punishment of vice and immorality;

Licensing taverns. For regulating the licensing of taverns and saloons, and for the prevention of illegal traffic in spirituous and fermented liquors;

Hacks, &c. For licensing and regulating public hacks, carriages, carts, trucks, horse cars or other cars used for local passenger travel, and other vehicles used for hire;

Peddlers. For licensing and regulating peddlers, hucksters, and other street venders;

Cleaning cess-pools. For regulating the construction and cleansing of privies and cess-pools;

Signs and awnings. For regulating awnings, posts, signs and banners;

Licensing auctioneers. For licensing auctioneers, and regulating the sale of goods by auction;

Parks. For the care and improvement of public parks;

Numbering buildings. For the numbering of streets and buildings:

Cemeteries. For regulating cemeteries;

May pass other necessary ordinances. And the said common council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of the said city as they may deem necessary, proper and expedient, not repugnant to this act, or to the constitution of this state, or of the United States.

Licensing shows and exhibitions. 14. *And be it enacted*, That the common council of said city shall have the power of licensing all circuses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of said city, on such terms and subject to such restrictions as the said common council may prescribe.

Money for licenses to be paid to city treasurer. 15. *And be it enacted*, That the common council may, by ordinance, delegate to the mayor and city judge or either of them, the power of granting all licenses, except the licenses mentioned in section thirty-eight of this act, and all moneys which may be derived from granting any licenses whatever under this act, shall be paid to the treasurer for the use of said city.

Relative to fees and compensation. 16. *And be it enacted*, That the common council of said city shall have power, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city, and commissioners appointed under this act, as to the said council shall seem necessary and

proper; *provided*, that the members of the common council shall not receive, directly or indirectly, any compensation for the performance of their official duties. Proviso.

17. *And be it enacted*, That the place of meeting of the said common council, shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business, and the said common council shall have full power to enforce the preservation of order. Meeting of council to be public.

18. *And be it enacted*, That every vacancy happening in any office created and made elective by this act, by death, resignation, permanent disability, removal or otherwise, except in officers of election on the day of election, shall be filled by the said common council within thirty days thereafter, and the said appointment shall continue until noon of the first Monday of January succeeding the next annual election, and no longer; and if, from any cause whatever, the mayor shall be temporarily prevented from discharging the duties pertaining to his office, then such duties shall devolve upon and be discharged by the president of the common council. Vacancies in office, how filled.

19. *And be it enacted*, That every ordinance and supplement to an ordinance passed by the common council of said city, shall, before it takes effect and becomes a law, be at once presented to the mayor by the city clerk, with a certification by said clerk as to the date of such presentation, and if the said mayor approve of it he shall sign it, if not, he shall return it with his objections, and file it and them with said clerk, within ten days after he received it; and the said common council shall at its first meeting thereafter, or at the first subsequent meeting, enter the said objections at length upon its journal, and proceed to reconsider such returned ordinance or supplement, and if a majority of all the members of the said council agree to pass the same, it shall take effect and become a law; but in every such case the vote shall be taken by ayes and noes, and entered upon the journal; and if such ordinance or supplement shall not be returned within ten days, as aforesaid, it shall take effect and become a law in like manner as if the mayor had signed it; and each and every ordinance or supplement so passed, as aforesaid, shall be attested by the city clerk Ordinances to be approved by mayor. Proceedings in case of disapproval.

and published in two newspapers printed in said city, if so many there be, ten days before such ordinance or supplement shall go into effect; and like public notice shall be given of the intended adoption by the said common council of any ordinance or supplement, at least fourteen days before such adoption.

Enacting clause.

20. *And be it enacted*, That the ordinances of the common council of said city shall begin in the following manner, to wit; "The inhabitants of the city of (naming the city) by their common council do enact," as follows.

Money to be raised by taxation for city purposes.

21. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised by tax, in any one year, such sum or sums of money as may be necessary for the support of the city poor, and to pay the interest upon any existing bonded debt of said city, and the principal thereof when necessary; and such further sum, not exceeding ten thousand dollars, as they shall deem expedient for the current expenses of said city, and for all other objects and purposes authorized by this act, which amounts shall be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes, which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council; *provided*, that in cities where no other sufficient provision exists for the support of the public schools or of the fire department, the common council shall cause to be assessed and collected such further sum as may be necessary for said purposes, or either of them.

Proviso.

Proceedings when a greater sum than ten thousand dollars is necessary to be raised in any one year.

22. *And be it enacted*, That whenever a greater sum of money than the said sum of ten thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of said city, then in such case, the said common council are hereby authorized to give notice to the inhabitants of said city, by advertisements published in two newspapers printed in the said city, if so many there be, at least fifteen entire days before the day of holding any election hereinafter mentioned, and by printed handbills put in five of the

most public places of said city for a like period, that an election will be held at the time and place therein mentioned; the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice; at which said election, only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly and written partly printed, for or against the sum of money proposed by the said common council in and by their said notice; which said ballot shall contain the word "money," or the words "no money;" the time of opening and closing the poll at such election, and the mode and manner of conducting the same shall be as is prescribed by this act for annual elections, and every sum of money so voted by any resolution of the said common council to be raised by tax in the said city, and approved of by a majority of the whole number of lawful ballots cast in any such election, shall be assessed, collected and regulated according to the forty-fourth section of this act, excepting so far as relates to the time of assessing and collecting said taxes, which time shall be fixed by the common council.

Notice of election.

Who may vote.

Ballots to contain.

23. *And be it enacted*, That it shall be lawful for the common council of said city to authorize and direct the mayor and city treasurer to borrow on the credit and in the name of said city, in anticipation of the collection of taxes in any one year the sum of seven thousand five hundred dollars, and every such temporary loan or loans shall be fully paid and redeemed out of the moneys first received from the year's tax collection so anticipated.

Authorized to borrow money.

24. *And be it enacted*, That the amount authorized to be annually raised by taxation for city purposes as set forth in section twenty-one of this act may be increased or diminished whenever such change is authorized by a vote of the people at any annual city election, notice having been given by authority of the council and in the manner prescribed in section twenty-two of this act, that such proposed change will be submitted to the people at such

Amount authorized to be raised may be increased or diminished by vote of the people.

election, and in like manner it may be provided that the amount to be raised by taxation for said purposes shall be instead of any fixed sum, such sum as a prescribed percentage upon the taxable property of said city will produce, and the common council may make all needful regulations for carrying out the provisions of this section.

Powers and duties of city judge.

25. *And be it enacted*, That the city judge shall be, at the time of his election, a practicing attorney-at-law; he shall have all the powers of justices of the peace in criminal matters, and in addition thereto he shall have jurisdiction and is hereby empowered on oath or affirmation made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons, or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same have been violated, and on the return of such process, or at the time to which the city judge shall have adjourned the same, the said city judge shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings, and the city judge shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or when the punishment may be imprisonment, and in no other cases, there may be a trial by jury, to be conducted as in cases now triable by jury in courts for the trial of small causes.

Proviso.

Council to prescribe by ordinance the penalty for violation of any ordinance.

26. *And be it enacted*, That the common council may prescribe by ordinance what shall be the extreme penalty for each violation of any of its ordinances; such penalty shall not exceed one hundred dollars fine, or sixty days' imprisonment, or both; and the court may, in its discretion, impose the same or any less penalty than that prescribed by said common council; and if the fine

imposed be not paid, the party convicted of any such violation may be committed by the judge of said court, in his discretion, to the city or county jail, or such other place as the common council may provide, for any period not exceeding twenty days; all suits for the enforcement or violation of ordinances shall be brought before the city judge, or in the event of his absence or inability to act, from sickness or otherwise, then the said suits shall be brought before the mayor; and the proceedings before the mayor shall be conducted in the same manner as before the city judge, and the said mayor for the purposes of such trials shall possess all the powers vested in the city judge; the judgments rendered by the city judge or the mayor, when acting in the absence of the said judge, may be executed by any policeman of said city, and in the manner prescribed by the warrant, writ, execution or other process issuing out of the said court, and the said policeman to whom such process shall be delivered shall execute the same and make return thereof as set forth in such process, and the city judge or the mayor shall have power to commit to the jail of the county, and the jailor of said county shall receive and safely keep all persons who may be committed to the jail of said county by the city judge or mayor for the term expressed in the warrant of commitment, or until lawfully discharged, and all the expenses of keeping such persons shall be borne and paid by the said county.

Suits, how brought and prosecuted.

27. *And be it enacted*, That all suits for the violation of ordinances may be brought and prosecuted in the name of "The people of the city of ," (naming the city) and the book of records of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein, and the publication by the authority of the said common council, of their ordinances and by-laws in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances and by-laws in the public newspapers shall be presumed to have been made until the contrary be proved.

Witness not to be deemed incompetent by reason of being an inhabitant of city.

28. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the city is a party or in which it is interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Court to be a court of record.

29. *And be it enacted*, That the city judge shall have all the rights, powers and jurisdiction that justices of the peace have for the trial of civil actions before them; his court shall be a court of record, the proceedings in which shall be the same as in courts for the trial of small causes, and subject to the same laws as far as applicable; judgments rendered in said court may be appealed from in all cases in which appeals are allowed in courts for the trial of small causes, in the same manner, and the common council shall provide a suitable and convenient place where the court of the city judge may be held.

Name of the court.

30. *And be it enacted*, That the name of the court in which the city judge shall hear causes shall be "the city court of ," (naming the city); in proceedings for the enforcement of city ordinances, he shall have the same powers as in the trial of civil actions; the impression of a seal, the device of which shall be prescribed by the common council, upon any process or paper signed by him, shall be sufficient for all purposes; at the time specified in any process returnable before him, or to which any matter was adjourned, he may proceed to hear and dispose thereof; whenever it shall be necessary to give evidence of a judgment or other proceeding before him, the entry of such judgment or other proceeding on his docket, or a transcript thereof certified by him under his hand and seal, shall be sufficient evidence thereof; judgments rendered in said city court may be docketed in the office of the clerk of the county in the same manner, subject to the same restrictions and with the same effect as judgments rendered in courts for the trial of small causes.

Proceedings pending at end of term to be continued before successor.

31. *And be it enacted*, That all cases and matters pending in the city judge's court at the expiration of his term or resignation, or death, or inability to serve, shall be continued before his successor, who shall have full jurisdiction of the same; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the city judge to his successor.

Officers empowered to serve processes.

32. *And be it enacted*, That the officers empowered to serve processes issued by the city judge shall be, besides the constables elected or appointed within said city, the policemen of said city, and said processes shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the city judge sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance, as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or in any proceedings to be brought for the recovery of the same, with such surety as may be approved by the city judge unto the said city, by its corporate name for his or their appearance on the day to which such hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Powers of policemen.

33. *And be it enacted*, That the policemen of said city shall have the power to arrest and take into custody, without warrant, any offenders against the by-laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said common council, until a hearing can be had before the mayor or the city judge of said city; *provided*, that such hearing shall be held within twenty-four hours after the arrest of said offender or offenders, unless such arrest is made after two o'clock, p. m., on Saturday, in which case the hearing shall be had before twelve o'clock, M., on the following Monday.

Proviso.

Proceedings may be reviewed by appeal.

34. *And be it enacted*, That every conviction had before the city judge, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county, in the same manner and upon the same terms as appeals are or may be taken from justices' courts; but such appeals shall be upon questions of law only, and in case the judgment appealed from shall be imprisonment, the said city judge, or any judge of the court of common pleas, may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

Proceeding in certioraris.

35. *And be it enacted*, That in all cases in which persons shall bring certioraris to remove the order, proceedings or judgment given or made by the said city judge, it shall be lawful for this said city judge to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

Party applying for certiorari to give surety.

36. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the city judge of said city, unless the party applying for such certiorari shall become bound to said city by its corporate title in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicants shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said city judge with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceeding or judgment given or made by said city judge, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of said city, and on failure thereof no certiorari shall be allowed.

Costs to be paid on affirmance by defendant.

37. *And be it enacted*, That if any proceedings of the said city judge shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court, but if such proceedings be reversed, then the

plaintiff in certiorari shall not be liable to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county.

Power of excise board.

38. *And be it enacted*, That the excise board shall have the power of granting licenses to keep taverns and saloons and to sell spirituous and fermented liquors therein; and also to grant licenses to grocers for the sale of such liquors in bottles, casks, or demijohns; *provided*, that such grocer's license shall not authorize sale of liquor to be drunk on the premises; the common council may regulate by ordinance the form, manner and contents of all applications to said excise board for licenses and the amounts to be paid therefor; and such ordinance may also prescribe the hours during which the sale of liquor shall be lawful and make other proper regulations respecting the same; but the granting or refusing of all licenses for the sale of liquor shall be in the discretion of the excise board.

Proviso.

Not to sell without license.

39. *And be it enacted*, That no person shall in any manner sell or dispose of spirituous or fermented liquors unless licensed so to do by said excise board; but this prohibition shall not include the sale by apothecaries of liquors for medicinal purposes.

Penalty for violation of ordinance respecting sale of liquor by a licensed person.

40. *And be it enacted*. That whenever it shall appear by the judgment of a court of competent jurisdiction that any person licensed to sell liquor has wilfully violated any law or ordinance respecting the sale of liquor, or has knowingly permitted such violation by any person in his employ, his license may be revoked by said board; and no part of the money paid for such license shall be refunded on account of such revocation.

Treasurer and collector to give bond.

41. *And be it enacted*, That the treasurer and collector, before they enter upon their respective offices, shall each execute a bond to the city, conditioned for the true and faithful performance of all the duties of their said offices in such sums, and with such freehold security, as the common council shall approve and direct.

Powers and duties of certain officers.

42. *And be it enacted*, That the clerks of election, judges of election, and inspectors of election, assessor, collector, and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with

the provisions of this act; the city clerk shall attend all meetings of the common council of said city, keep accurate minutes of their proceedings, and insert the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the common council; he shall, within three days after the election or appointment of any person to any office in pursuance of this act, notify in writing such person of his election or appointment, and shall do and perform all such other duties as the said common council may from time to time prescribe; and the powers and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances of the said common council.

Treasurer to receive and pay all moneys and make annual statement

43. *And be it enacted*, That it shall be the duty of the treasurer of said city to receive and pay out all moneys belonging to the said city, under the direction and by the authority of the said common council; to make out annually, on the second Tuesday in December, or oftener, should the said common council so require, and publish in two newspapers printed in said city, if so many there be, a detailed and true statement of all moneys received into the treasury and of all moneys disbursed therefrom, from the commencement of his official year to the date of such statement.

Duties of the assessor and collector of taxes.

44. *And be it enacted*, That the city assessor shall with strict impartiality assess taxes upon all taxable persons and property within the said city between the first day of May and the first day of July annually, and the city collector shall collect the same between the first day of July and the first day of September, annually, and shall on the first Monday in September, annually, return to the city judge the names of all delinquents with the sums due from them, respectively; said city judge shall thereupon issue his warrant or warrants to the city policemen, or any of them, or such other person as the common council shall for that purpose nominate and appoint, requiring him or them to levy the tax so in arrears in the manner in which taxes are levied in the townships of the state; and such officers shall be entitled to the same fees as are paid for the like services in such township.

Delinquent taxes.

Commissioners of appeal in cases of taxation.

45. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually, on the third Tuesday of July, and at such other times as the common council may designate, in the event of an extra tax is ordered to be raised, to hear and determine all complaints of unjust taxation; they shall sit from two o'clock p. m. until five o'clock p. m., or longer if found necessary, to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting in two newspapers printed in said city, if so many there be, at least ten days previous to such assembling.

Duties of constables, pound keepers and overseer of the poor.

46. *And be it enacted*, That the constables, pound keepers and the overseer of the poor, shall perform such duties as by the laws and usages of this state now appertain to and devolve upon such officers in the townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof, and the collector of revenue shall pay over all moneys received by him for the city as soon as collected, to the treasurer of said city, who shall pay over to the collector of the county the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Corporation counsel.

47. *And be it enacted*, That the corporation counsel shall appear for and represent the city in all suits, actions, and special proceedings to which it is a party; he shall also give his opinion on any question of law that may be submitted to him by the mayor, common council, or board of excise; *provided*, that such question shall concern the rights, powers, or duties of the city, or of some officer or department thereof.

Proviso.

Term of office of officers appointed by the mayor.

48. *And be it enacted*, That all officers appointed by the mayor, with the advice and consent of the council, shall hold office during the term of the mayor by whom they were appointed, and until their successors are in like manner appointed; and such officers shall not be appointed, except with the consent of a majority of all the members of the common council, and may, for proper cause, be removed by the said common council.

Oaths of office to be made within ten days

49. *And be it enacted*, That every officer of the city shall, within ten days after his election or appointment

after election or appointment.

and before entering on the duties of his office, take and subscribe before the mayor, city judge or a judge of the court of common pleas of the county, an oath or affirmation that he will faithfully and justly perform all the duties of his office to the best of his ability, and it shall be the duty of the city clerk, to file and preserve the said oaths and affirmations in his office.

Proceedings for opening of streets, roads or highways.

50. *And be it enacted*, That it shall be lawful for the said common council, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city, to be vacated, opened, altered or widened whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give a written or printed notice to the owner or owners of any land or real estate necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three judicious and disinterested citizens of said city, as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and to ascertain the whole amount of damages and expenses incident to such laying out, opening, altering or widening, and to make a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefitted thereby, in proportion to the advantages each shall be deemed to acquire; and in case the council shall agree with every owner of land necessary to be taken, respecting the same, then such commissioners shall be appointed for the purpose of assessing said damages and expenses among the owners of land benefitted thereby, in the manner aforesaid.

51. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, opened, altered or widened, the alterations proposed to be made, and the lands or real estate intended to be taken for such purposes; and the said commissioners, or a majority of them when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments, and report their proceedings to the common council sufficiently in detail to enable the common council to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk and be open to the inspection of the public for ten days previous to its presentation to the common council, and notice of such filing shall be published in two newspapers, if there shall be so many printed in said city, at least ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interest, and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council, and the common council may ratify the action and report of the commissioners, or alter said report in respect to the matter specified in the objections, or the said common council may re-commit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a recommitment, the said commissioners shall, as far as may be necessary, comply with all the requirements of this section; when the common council shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any lands or real estate

Notice to be given of the time and place of meeting of the commissioners.

affected thereby, subject only to the appeal hereinafter given; and upon payment of the damages so awarded, or upon a tender and refusal thereof, it shall be lawful for the common council to cause the said land or real estate necessary to be taken as aforesaid, to be entered upon and used for the purposes of the contemplated improvement;

Proviso.

provided, however, that any person whose lands may be so taken may appeal from the proceeding of said common council to the circuit court of the county, within thirty days from the time of making the final order of the common council, and within the same period shall notify the city clerk of such intended appeal; the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, such trial to be conducted as are other trials by jury.

Proceedings in case appeal is not taken.

52. *And be it enacted*, That if no such appeal to the circuit court be taken, the persons whose lands shall have been taken shall be entitled to receive from said city, within sixty days from the time of making the final order of the council, the amount of damages sustained by them respectively, with interest from the date of said final order, and may, after the said period of sixty days, sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Amount of damages and expenses to be assessed.

53. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions of section fifty of this act.

When objections to opening street shall not be valid.

54. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street or road in said city, that the ending point of the same is not in a public highway;

Proviso.

provided, the same be laid out or opened in conformity with the provisions of this act.

Ordinances for grading, gravelling or paving streets, &c.

55. *And be it enacted*, That it shall be lawful for the common council to pass ordinances for the grading, gravelling, paving or macadamizing of any street or

section of a street, and for the construction of drains and sewers; and appoint in each case three commissioners, who shall, after the completion of the work, ascertain the whole expense thereof, and assess the same upon the owners of all real estate, benefited thereby, in proportion to the benefit each shall receive therefrom; and any ordinance for the grading of a street shall include the sidewalk as a part of such street; a report in writing of such assessment, signed by a majority of such commissioners being returned to the common council, and ratified by them shall be binding and conclusive upon the owners and occupants of such lands, tenements and real estate to be assessed, respectively; all the provisions of section fifty-one, relating to the report and filing of the same, and giving notice thereof, and the subsequent proceedings thereon, so far as the same may be applicable, shall be regarded as appertaining to this section.

Expenses to be assessed upon owners benefited.

56. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for curbing, paving, flagging, gravelling, cementing, or planking any sidewalks in any street or section of a street in said city, by the owners or occupants of lands, tenements, or real estate fronting on or adjoining such street or section of a street, and to appoint one or more discreet and skillful person or persons to superintend the said work and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations by enacting penalties for non-compliance therewith.

Curbing, paving, flagging or planking sidewalks, &c.

57. *And be it enacted*, That if the owner or owners of any lands, tenements or real estate, in front whereof the sidewalks shall, by such ordinance or regulation be directed to be curbed, paved, gravelled, flagged, cemented or planked, shall neglect to comply with such ordinance or regulations, it shall be lawful for the said common council to cause such improvement to be made at the expense of the city, on account of the owners of such real estate; the person or persons appointed to superintend such work shall report to the common council the names of the owners neglecting to comply with such ordinance, the number of front feet owned by each and

Proceedings when owners neglect or refuse to comply.

the expense of performing such work according to the ordinance; the provisions of section fifty-one relating to filing the report and the subsequent proceedings thereon, so far as the same may be applicable, shall be regarded as appertaining to this section; the amount paid or agreed to be paid by the city for such work shall be a lien on such real estate from the time of its completion; such amount paid or agreed to be paid shall by resolution of the common council, be assessed upon the owner or owners of such lands, tenements or real estate, in proportion to the number of their frontage feet.

Assessment to be paid within thirty days after confirmation of assessment.

58. *And be it enacted*, That all persons, owners of any lands, tenements or real estate, assessed under any provision of this act, shall respectively, within thirty days after the confirmation of such assessment, pay to the city treasurer the sums at which such lands, tenements and real estate shall be assessed; on default of such payment or any part thereof, it shall be lawful for the mayor or city judge of said city, by direction of the common council, to issue a warrant, under the common seal, to levy the same by distress and sale of goods and chattels of such owner or occupant, refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress, to such owner or occupant or his or her legal representatives; *provided always*, that nothing in this section contained shall affect any agreement between landlord and tenant respecting the payment of any such charges; *and provided further*, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same with interest and costs of suit, before any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessments aforesaid and proof of payment shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant and tenant, shall be deemed the person who ought to bear and pay every such assessment.

Proviso.

Proviso.

59. *And be it enacted*, That in case any assessment made as aforesaid, shall not have been complied with by the payment of the sums thereby assessed, within thirty days, as aforesaid, the common council shall cause a notice to be published in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate respectively to pay the sums at which the same shall have been assessed, together with all the interest, costs and expenses that shall have accrued thereon, to the treasurer of said city; and that in default of such payment, such lands, tenements and real estate will be sold at public auction, to satisfy such assessment, and the interest, costs, charges and expenses thereof, which notice shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and shall state the purpose and amount of the assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and copies of such notice shall be posted in five public places in such city at least four weeks before such sale; it shall be lawful to sell said lands and premises, pursuant to said notice at public auction for the shortest term for which any person or persons will agree to take the same and pay such assessment, interest, costs, charges and expenses; if at any such sale, there shall be no other bidders, the city treasurer may, in the name and for the use of the city, purchase the property offered for sale for the term of one hundred years; and the city treasurer shall execute under the common seal of said city a certificate of said sale, and deliver the same to the purchaser or purchasers within ten days after the sale; *provided*, that it shall not be lawful to sell the same until sixty days after the completion and return of said assessment, nor until thirty days after the owner or owners of said real estate shall have been notified to pay said assessment; such owners shall be notified by the service of a written notice upon each of them personally, or by leaving the sasame at his place of residence or business, with some person of the age of fourteen years or over, or by affixing the same to the outer door of the house where such owner resides; but if any owners do not reside in the state of New

Proceedings in case assessment is not paid within time specified.

Proviso.

Jersey, or if their places of residence or business cannot with reasonable diligence be ascertained, the publication and posting of notices hereinbefore directed shall be deemed sufficient notice to them; *provided*, that in every case where the post office address of a non-resident owner shall be known to the city clerk, or can with reasonable diligence be ascertained by him, a copy of such notice shall be deposited in the post-office, directed to him at such address, with the postage pre paid.

Proviso.

Redemption of lands sold for assessment.

60. *And be it enacted*, That the owner, mortgagee, occupant, or any other person or persons, having a legal or equitable interest in any lands or real estate sold for assessments, as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon and which the purchaser may have paid, with the interest on said purchase money, at the rate of twelve per centum per annum, from the time of such sale or from the time of such payment, and the certificate of said treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid, the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

Rate of interest.

Declaration of sale in case of non-redemption of lands sold.

61. *And be it enacted*, That if any lands or real estate so sold, shall not be redeemed, as by this act provided, the common council shall cause to be executed to the purchaser, his legal representative or assigns, a declaration of sale, under the seal of the city, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk, and until the same shall have been recorded such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale, and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such

purchaser or purchasers, and his and their legal representatives shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and such purchaser or purchasers, and his, her or their legal representatives shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon; and at the expiration of said term shall peaceably and quietly yield up said lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as the tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belong to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, the said common council shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months such guardian or trustee, or person whose disability has been removed, may redeem such lands as hereinbefore provided. Proviso.

62. *And be it enacted*, That it shall be the duty of the city clerk to record, in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person applying for the same, and to cancel such certificates of sales and assignments thereof so recorded when the land and real estate for which they were given shall be redeemed, on certificate of the city treasurer of such redemption, and file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk. Certificates of sale and assignments to be recorded.

Assessments to be and remain a lien on lot or lots assessed

63. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said common council, instead of the remedies herein above provided, if they shall see fit, in case of a refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of such assessment from the person or persons who ought to pay the same, or his, her or their legal representatives, with interest and costs of suit, in any court having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, his, her or their legal representatives; and the said assessment shall be conclusive for the plaintiff in every such action.

When to be recognized as a public street.

64. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out or opened in said city, shall be recognized, considered or treated as a public street or highway, road or alley, unless the same be laid out and opened under the direction of the said common council in manner aforesaid.

Proceedings in case owner or owners are non-resident, &c

65. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city, shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent, or legal representative of such owner can on like inquiry be found in this state, then it shall be lawful for the common council of said city to proceed to the appointment of the commissioners mentioned and provided for in the fiftieth section of this act, after publishing in a newspaper printed in said city, for the space of two weeks, at least once in each week, a notice of the intention of said common council to take such land or real estate and appropriate it for such street, road, highway or alley.

May proceed to sell.

66. *And be it enacted*, That in case the owner or owners of any lands, tenements or real estate assessed under any of the provisions of this act, under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry made under the directions of the

common council, and the assessment made on such lands, tenements or real estate remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand from such owner or owners, to proceed to the advertisement first mentioned in the fifty-ninth section of this act, and the sale provided for in said section in the manner in said section pointed out.

Deductions to be allowed to tenants for curbing and paving, out of rent due landlord or owner.

67. *And be it enacted*, That if the tenant or tenants of any lands, tenements or real estate within said city, shall cause the sidewalk in front thereof to be curbed, paved, flagged, gravelled, cemented or planked in obedience to an ordinance or regulation, at his, her or their own expense, it shall be lawful for him, her or them to deduct the same out of the rent, or recover the same from the landlord, or owner or owners, or his, her or their legal representatives, with the interest and costs, in an action on the case, before the mayor or city judge of said city, or in any court having cognizance thereof, for so much money by him, her or them paid, laid out and expended to or for his or their use; *provided*, that nothing in this act shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges or expenses.

Stone crosswalks may be laid at city expense.

68. *And be it enacted*, That it shall and may be lawful for the common council of said city to cause stone walks to be laid across any street at the general expense of said city.

Rate of interest on assessments.

69. *And be it enacted*, That it shall and may be lawful for the common council of said city to specifically define by ordinance the manner in which all assessments shall be levied and collected, and to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; that any assessment made by virtue of the provisions of this act shall bear interest at the rate of twelve per centum per annum, after thirty days from the day the same is ratified by the city council and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expenses accruing thereon, shall be paid or the amount thereof discharged by the sale of the said lands or real estate by the city, and it shall be the

duty of the city clerk to send by mail written notices of the ratification of any assessment, to each person assessed thereby within five days after such ratification.

Assessments not to be in excess of benefits.

70. *And be it enacted*, That no lands or real estate shall be assessed for any street or sewer improvement a greater amount than such lands or real estate shall be benefited by such improvement; and in case the whole expense of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury.

Assessments to be a first lien.

71. *And be it enacted*, That all taxes and assessments, which shall be levied, assessed or made upon any lands or tenements within the said city, shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon.

Proceedings for collection of delinquent taxes.

72. *And be it enacted*, That in any taxes, levied under this act, together with the interest thereon, and costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of six months, from and after the time when payable, then and in every such case it shall be lawful for the common council of said city, or a majority of them, to issue their warrant, which warrant may include the names of any number of delinquent owners and the description of each of their lands, tenements, hereditaments or real estate, on account of which such taxes were assessed, under the common seal of said city, signed by the mayor thereof, and attested by the city clerk, directed to the collector of the said city, therein and thereby commanding him to make said taxes, with the interest, costs, fees, charges and expenses as aforesaid, out of the lands, tenements, hereditaments or real estate, on account of which the same were assessed and incurred as aforesaid by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant, with all his proceedings thereunder, in writing, within four months from the date thereof, to said common council.

Warrant to be recorded.

73. *And be it enacted*, That the said warrant shall be recorded by the clerk of said city before its delivery to said collector in a book provided for the purpose to be known as the "record of tax sales."

Collector to give notice of time and place of sale.

74. *And be it enacted*, That it shall and may be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lands, tenements, hereditaments or real estate under this act by advertisement signed by such collector in two newspapers printed and published in such city if so many there be, and if only one newspaper then in such paper, wherein such lands, tenements, hereditaments or real estate are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall forthwith mail a copy of such notice to the owner or owners, directed to him, her or them, at his, her or their last known post-office address, with full postage prepaid thereon; *provided*, such sale may be adjourned on application of the owner or other person interested therein, or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in the said newspapers or newspaper.

Proviso.

Collector to deliver to purchaser certificate of sale.

75. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lands, tenements, hereditaments or real estate set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of tax, interest, costs, fees, charges and expenses in detail, the year for which assessed, the time when the right to

redeem shall expire, and the date of the warrant under which the sale was made.

Collector to make return of warrant with all proceedings thereunder.

76. *And be it enacted*, That the said collector shall make return of said warrant within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto all notices required by this act, to be by him given, published, mailed and posted, with due proof of such publication, posting and mailing, together with a true copy of the certificate of sale and acknowledgment referred to in the preceding section, and that he shall annex to said return, an oath or affirmation in writing, that the said return is true, full and complete in all respects, and that the same sets forth all of his acts and proceedings under said warrant, and that true copies of all the notices required by him to be given by this act are annexed thereto, and that the certificate of sale thereto annexed is a true copy of the original given by him to the purchaser.

Return to be recorded.

77. *And be it enacted*, That the clerk of said city shall record such return (the warrant only excepted) and the papers thereto annexed, in the aforesaid "record of tax sales," at length immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of sale to be recorded in office of county clerk.

78. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office within the county where the lands are situate, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate and to all the rents, issues and profits arising therefrom on and after the date of such certificate, and in case the said premises are occupied by the owner or owners thereof, the purchaser shall give notice in writing to such owner or owners, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, of such sale, and demanding possession of such premises within thirty days after service thereof as aforesaid, and at the same time exhibit to the person so served, the aforesaid certificate, and if at the expiration of the said thirty days the said owner or owners shall not deliver up possession

thereof, then and in that case the purchaser may take the same proceedings to gain possession of such lands and premises, as purchasers under execution issued upon a judgment at law.

Property may be redeemed within two years from date of sale.

79. *And be it enacted*, That the owner or owners, mortgagee, occupant or any other person having a legal or equitable interest in any lands, tenements, hereditaments, or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the date of such sale by paying to the purchaser or his legal representative the amount of purchase money set out in detail in said certificate with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser, upon receiving such payment, if made by the owner or owners thereof, shall re-convey and restore to such owner or owners such real estate, and in case the owner or holder of any estate in, lien upon or right of possession of such real estate so sold shall pay to the purchaser within the said two years the aforesaid purchase money, interest, fees, costs, expenses and charges, the sale shall be of no farther effect, and the mortgagee or other person so redeeming shall have a lien on the said premises for the amount paid, with twelve per centum interest thereon, in like manner as if the same had been included in his, her or their mortgage, or other lien.

Proceedings to be had by common council in case of non-redemption of lands sold.

80. *And be it enacted*, That in case such lands, tenements, hereditaments or real estate so sold shall not be redeemed within in the time provided for by this act, then and in that case the common council upon due proof being made by affidavit that such redemption has not been made, and upon the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the city, signed by the mayor thereof, and attested by the city clerk, and acknowledged according to law, which deed shall contain a description of the property, the year of the tax assessment, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the clerk's office of the

county where the lands are situate within ten days after date thereof, and if not so recorded, the same shall be of no effect until so recorded, as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record, notwithstanding the lapse of the aforesaid two years; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements, hereditaments or real estate, for and during the term for which he, she or they shall have purchased the same for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and against all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and against any and all mortgages, alienations, devise, descent, lien and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devise, descent, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty at or before the expiration of the said term to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took possession of the same, damage resulting from ordinary use and the elements excepted.

Record of tax sales to be evidence.

81. *And be it enacted*, That the aforesaid "*record of tax sales*" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Sale not to affect mortgage lien.

82. *And be it enacted*, That no sale of lands, tenements, hereditaments or real estate made in pursuance of this act, shall destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such

mortgagee or mortgagees within three months from the date of such sale notice in writing, setting forth the date of such sale, the amount of purchase money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found then by mailing the same enclosed in an envelope plainly directed to him, her or them, at his, her or their last known post-office address, with full postage prepaid thereon, and the purchaser shall within twenty days after the service of said notice transmit a true copy of such notice with due proof of service to the clerk of the county in which such lands are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded and a marginal note made thereof, in the book where the original mortgage is recorded or registered, for which service the county clerk shall receive the sum of eight cents a folio to be paid by the purchaser.

Return of unpaid taxes to be made annually.

83. *And be it enacted*, That it shall be the duty of the city collector of said city on or before the first day of February in each year hereafter to make return in writing to the clerk of the county in which said city is situate, of all unpaid taxes assessed the preceding year on real estate situate in said city, setting forth against whom assessed, the date, description of the property, the amount of tax thereon, to which he shall affix an oath or affirmation in writing to the effect that the sum is just, true, full and complete in every particular, as shown by his tax duplicate, and for such service he shall be paid by said city the sum of two cents for each name so returned; and in case the said collector shall neglect or refuse to make such return as herein provided, he shall forfeit and pay to the city the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Returns to be recorded.

84. *And be it enacted*, That the clerk of said county, upon receipt of such returns, shall record the same at length in separate books provided for the purpose, respectively, for each city in his county, and shall properly index the same, which books shall be at all times open for public inspection, free of charge, and the said clerk

shall receive for the aforesaid service the sum of five cents for each name in said return, to be paid by the city returning the same, and it shall be lawful for said clerk in making searches, on request, for unpaid taxes, to charge ten cents per year for each name searched against.

When tax shall cease to be a lien.

85. *And be it enacted*, That in case such tax return shall not have been made at the time herein provided, or in case a name or names shall have been omitted from such return, then and in that case, such tax shall cease to be a lien upon such real estate as against a purchaser or mortgagee in good faith.

Fees and expenses incurred shall be paid by delinquent.

86. *And be it enacted*, That upon the payment of such taxes so returned, the fees, charges and expenses incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon payment of such taxes, costs and expenses, the collector who shall receive the same shall give a certificate of satisfaction thereof, duly acknowledged, to the person paying the same, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as mortgages are by law satisfied, and shall file such satisfaction piece in his office.

Portion of costs, damages &c, to be assessed against company owning or using railroad in street to be improved.

87. *And be it enacted*, That whenever any street, or part of any street, in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, or graded, paved, gravelled or macadamized, and proceedings for altering or widening, or grading, paving, gravelling or macadamizing the same shall have been taken under the provisions of this act it shall be lawful for the commissioners appointed by the city council, and whose duty it shall be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering, widening, and the costs and expenses of such grading, paving, gravelling or macadamizing among the owners of all the lands and real estate benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city, and may also be enforced in the

same manner as the assessment upon such owners of land and real estate benefited thereby.

Work that may be done by resolution and not by ordinance.

88. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvements or performing any work in relation to the opening, altering or widening any street, the construction of any sewer or drain, the widening, levelling, grading, curbing, guttering, paving, flagging, gravelling or planking any street or sidewalk, all further action which may be necessary to carry out and complete such improvement or work, and all orders relating thereto may be done by resolution, and not by ordinance.

Street road or highway not to be opened against remonstrance of owners.

89. *And be it enacted*, That no street, road, highway or alley shall be opened, extended, altered, widened, graded, gravelled, paved or macadamized, and no sidewalk shall be curbed, flagged, planked or cemented against the written remonstrance of persons owning one-half of the frontage on said street, road, highway, alley or sidewalk, or the portion thereof proposed to be improved; such remonstrance to be presented and filed with the city clerk within fourteen days after he shall have published in the city newspapers the intention of the said common council to pass ordinances authorizing such improvements to be made.

Street may be paved on petition.

90. *And be it enacted*, That upon the petition of the owners of not less than three-fourths of the frontage of any street or section of a street, the common council shall direct such street or section of a street to be paved or macadamized according to such petition, assessing the cost thereof according to law; *provided*, that such street or section of a street shall not be less than one block.

Proviso.

Commissioners to take oath &c.

91. *And be it enacted*, That all commissioners appointed by said common council for the purpose of making assessments, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor or any person authorized by law to administer oaths, to make the assessment and estimate submitted to them fairly and impartially, according to the best of their skill and judgment, and the said common council may remove such commissioners and appoint others for any cause that to said common council may seem just; and in case of the resignation, death or disability of one

May be removed for cause.

or more of such commissioners, it shall be lawful for the common council to fill by appointment the vacancy or vacancies thus created, without prejudice to any proceeding already taken by such commissioners.

Proceedings in case any assessment shall be set aside by judicial authority.

92. *And be it enacted*, That whenever, by reason of any informality or illegality in any proceedings of the common council, or of the commissioners of assessments, surveyors or other agent of the common council, or officers of the city, in laying out, opening, altering, widening or closing streets, avenues or public squares, or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to reinstitute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they shall see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had; or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed, or issue to remove any assessment made upon the owner or owners of land and real estate for any work or improvement made or to be made, unless the same be applied for within six months after the confirmation of such assessment by the common council of said city, and this section shall apply as well to all proceedings heretofore set aside by judicial authority by reason of any informality or illegality as to those which may hereafter be so set aside.

May contract for construction of water works.

93. *And be it enacted*, That any individual, firm or corporation, organized for that purpose, may contract with said city, on such terms as may be agreed upon, to construct and maintain water works for the purpose of supplying water to such city and the citizens thereof, for all public and private purposes; *provided*, that no such

Proviso.

contract shall be entered into, unless the same shall have been authorized by an affirmative vote of not less than four-fifths of the common council.

Contract to be signed by mayor &c.

94. *And be it enacted*, That any contract made under the provisions of the last preceding section, shall have the signatures of the mayor and the president of the common council, and be attested by the city clerk; and the individual, firm or company, parties to such contract, shall give bonds for the faithful performance of all stipulations agreed to, in such an amount and with such securities, as the common council may direct.

Contract shall provide for the laying of water pipes &c.

95. *And be it enacted*, That such contract shall provide that such individual, firm or corporation may lay water pipes under the surface of any of the streets of said city, subject to such regulations as the council may prescribe; and it shall be lawful for such individual, firm or corporation to lay water pipes under the surface of any highway within ten miles of the boundary of said city; *provided*, that such highway is not within the limits of any other city; *and provided further*, that such individual, corporation or firm shall repair and make good all injury or damage, by him, them or it, done to the road-bed of such highway, or to any bridge or other structure thereon.

Proviso.

Proviso.

Penalty for damages to water works &c.

96. *And be it enacted*, That if any person shall wilfully, unlawfully and maliciously in any manner pollute, or render foul or impure any stream, lake, reservoir, or other source of supply of water for any such city, or shall cut, tear or break down, destroy or damage any conduit, aqueduct or artificial water-course, made or used for the purpose of conveying water to supply such city, or any building, works, engine or other machinery for the purpose of raising or conveying water to such city, belonging to any company or person, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor not exceeding one year, or both.

Limitation of term of contract for operating works.

97. *And be it enacted*, That the right to build, maintain and operate such water works under contract with any city, as aforesaid, shall not be granted by such city for a term exceeding thirty years, at the expiration of which term it shall be optional with such city to renew the

contract for any term not exceeding thirty years, on such terms as may be mutually agreed upon; or in case such city and such individual, firm or corporation shall be unable to agree upon the terms of such renewal, then said city may purchase the works and all appertaining thereto at their full valuation, to be determined by the parties interested; and in the event of their not agreeing upon such valuation, then the same shall be made by three disinterested persons, one of whom is to be chosen by each of said parties, and the third to be selected by the two so chosen.

Collection of water rents

98. *And be it enacted*, That the common council of said city may authorize such individual, firm or corporation constructing water works under contract as herein provided, to charge and collect from each and every person supplied by them with water, such water rents as may be agreed upon by the city and such individual, firm or corporation; and said city may contract with such individual, firm or corporation for a supply of water for the extinguishing of fires, and for any other purpose necessary to the health, safety and comfort of persons and property within said city.

May pass ordinances for laying sewers and drains.

99. *And be it enacted*, That the common council of said city shall have the power to pass ordinances for laying sewers and drains in said city, and beyond the limits of the same to an outlet or place of deposit at the mouth of such sewer, and for taking and appropriating the lands necessary for such purpose, making just compensation to the owners thereof, and to provide for the payment of the costs and expenses of the same, and for assessing such costs and expenses upon the persons and parties benefited thereby, according to law; and shall also have the power to acquire, by purchase or otherwise, the necessary land in some convenient place, either within or without the limits of said city, for the depositing or reception of the contents of such sewers or drains, and to provide a plan or system of works and machinery for the purpose of utilizing such contents or flow of such sewer or drains, and to deodorize the same so as to render it inoffensive so far as possible, and to provide for the sale of such deposit or the product of said works, by contract or otherwise, as may be thought best for the interest of said city.

Commissioners of sewage.

100. *And be it enacted*, That the common council shall have power to appoint three disinterested commissioners who shall, for and in the name of the city, take and hold any lands or other real estate necessary for the construction of the sewage works provided for in this act, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient to be done respecting the same.

Proceedings in case of disagreement between the commissioners and owners.

101. *And be it enacted*, That in case of any disagreement between the commissioners and the owners of any lands or rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, the circuit court in and for the county shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damage sustained or to be sustained thereby, who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to estimate such value or drainage, and report thereon to the court.

Payment to be made on confirmation of report.

102. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the common council shall within two months thereafter cause to be paid to the said owner or to such person or persons as the court may direct, the sum mentioned in said report in full compensation for the property so required, or for the damage sustained as the case may be; and thereupon the said city shall become seized in fee of such property so required, and shall be discharged from all claims by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered.

Commissioners authorized to use ground or soil under streets &c.

103. *And be it enacted*, That the commissioners in behalf of the mayor and common council of said city, and all persons acting under their authority shall have the right to use the ground or soil under any road, railroad, highway, street, lane, or alley within ten miles of the boundary line of said city for the purpose of constructing the works

contemplated by section ninety-eight of this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane or alley to be restored to its original state, and all damages done thereto to be repaired.

104. *And be it enacted,* That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXXV.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same."

Number of persons requisite to form a company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That any number of persons not less than seven may form a company for the purpose of locating, constructing, maintaining and operating a railroad, to be located in whole or in part beneath the surface of the earth, and to be used for the transportation of minerals and of material, implements and machinery used or to be used in the sinking or working of mines, or for the purpose of purchasing, operating and maintaining any railroad already located and constructed for such purpose in whole or in part beneath the surface of the earth, and the articles of association to be made and signed by said persons, shall state the proposed location, as near as may be, of said proposed railroad, with the length of the same approximately and how much of the same, as near as may be, will be on or above the surface of the earth, and how much, as near as may be, beneath the surface thereof, and if it be the purpose of said company to purchase, operate and maintain a railroad already built, said articles of association shall mention

and briefly describe the same, and said articles of association shall, in other respects, conform to the requirements of the first section of the act to which this is a supplement, and the company so formed shall have all the powers and may exercise all the franchises conferred upon and which may be exercised by corporations formed under the provisions of the act to which this is a supplement, and shall in like manner be subject to all the restrictions, limitations and regulations by the laws of this state imposed upon and applicable to such corporations.

Rates of freight charged.

2. *And be it enacted*, That it shall and may be lawful for any corporation or private person, owning or operating a railroad located in whole or in part beneath the surface of the earth and used for transportation of minerals and materials, implements and machinery used or to be used in the sinking or working of mines, to charge for the transportation of freight upon so much of the same as shall be beneath the surface of the earth at and after the rate of twenty cents per ton per mile, and when the distance of transportation beneath the surface of the earth shall be less than one mile a fraction of a mile shall be considered as a whole mile for the purpose of fixing the amount to be charged for transportation.

Right of way.

3. *And be it enacted*, That when any corporation formed under the provisions of this act shall take legal proceedings to acquire the right of way for its proposed railroad beneath the surface of the earth, such right of way shall not include the right to permanently use or occupy the surface of the earth immediately above such railroad and where the same is not broken, but shall be confined to a mere right to tunnel and excavate the earth for its tracks; but such corporation shall nevertheless have the right to acquire by such proceedings so much and such parts of the surface as may be necessary or proper for the operation of its said railroad.

Right to maintain and operate railroad, how acquired.

4. *And be it enacted*, That whenever it shall happen that any railroad in this state shall have been built upon, under or through any lands without acquiring the right to maintain the same from the owner or owners of the fee simple of said lands or any part thereof, it shall be lawful for the corporation owning and operating said

railroad to take and prosecute all such legal proceedings to acquire the right to maintain and operate its said railroad that it would have the right to take and prosecute if such railroad had not as yet been built upon, under or through the said lands.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1879.

CHAPTER LXXXVI.

A Supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy-six.

Assessment for use of water to be a lien on property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state having more than ten thousand inhabitants, wherein water works are or may be owned by the city, and controlled directly or indirectly by the city authorities, all assessments by whatever name designated for the use and supply of water furnished to the occupant or owner of any property, may be charged either against the said occupant or the said owner, at the option of the commissioners or other officials whose duty it shall be to lay such assessments; and, in either case, they shall be and remain a lien upon said property until they shall have been fully paid.

Repealer.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 13, 1879.

CHAPTER LXXXVII.

An Act to authorize the formation of associations and societies for the more effectual protection of game and game fish.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for ten or more inhabitants of this state, above the age of twenty-one years, to form an association and society for the better protection of game and game fish, and for that purpose they shall make and sign articles of association, which shall set forth the names of the persons forming said association and society, with their places of residence, the names of not less than five and not more than ten directors, who shall manage the affairs of said association and society, for the period of one year, and until others are elected in their stead and place, and the name adopted by said association and society as its corporate name, which articles of association shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be by him kept for that purpose; and upon filing said articles of association in the secretary of state's office, said persons who shall have signed said articles of association, and all being citizens of this state above the age of twenty-one years, shall thereupon become members of said association, and shall be a corporation by the corporate name mentioned in said articles of association for the purpose aforesaid, and as such corporation shall have the power to make and use a common seal, to sue and be sued, and generally to have the privileges and immunities incident to bodies politic, and be subject to the liabilities and restrictions imposed thereon.

Number of persons necessary to form an association.

Articles of association to be filed with the secretary of state.

2. *And be it enacted*, That the object of said association and society shall be the better protection of game and

Objects.

game fish, and to aid in carrying out the laws of this state for the protection of the same.

May adopt a constitution and by laws.

3. *And be it enacted*, That in order to carry out the objects aforesaid, it shall be lawful for such associations and societies to have the power to make and adopt a constitution and by-laws, and regulations for the admission and fee of members, for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution, by-laws and regulations, by a majority of its members present at any regular meeting, upon notice being given at any regular preceding meeting, for the assessment of its members, fine on officers and members, for failure and neglect of any compliance of the constitution, by-laws, and regulations thereof; and said fees, assessment, and fine shall be collected in the name of the association and society, by its corporate name, against the delinquents, as debts of like amount may now or hereafter be collected by law.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 13, 1879.

CHAPTER LXXXVIII.

An Act concerning cities.

Precincts to constitute wards in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state having, under the last state census, a population of not less than five thousand, and not more than six thousand inhabitants, that are divided into two precincts, and have nine councilmen, the said two precincts shall constitute two wards of said cities.

Election of excise commissioners.

2. *And be it enacted*, That the legal voters of such cities shall elect, on Saturday, the fifth day of April, one thousand eight hundred and seventy-nine, between the hours of seven a. m. and seven p. m., three commissioners, to be

known as excise commissioners, one to be elected for one year, one to be elected for two years, and one to be elected for three years, and one annually thereafter, at the charter election; said commissioners shall be selected from each political party, and shall grant all licenses for the sale of spirituous, malt, and vinous liquors, and shall give bond in the sum of five hundred dollars for the faithful performance of their duties, such bond to be approved by the mayor and common council.

Commissioners shall grant licenses.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER LXXXIX.

An Act to prevent the spread of contagious or infectious pleuro-pneumonia among cattle in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever it shall be brought to the notice of the governor of this state that the disease known as contagious or infectious pleuro-pneumonia exists among the cattle in any of the counties of this state, it shall be his duty to take measures to promptly suppress the disease and prevent it from spreading.

Governor to take measures to suppress the disease.

2. *And be it enacted,* That for such purpose the governor shall have power, and he is hereby authorized to issue his proclamation, stating that the said infectious or contagious disease exists in any county or counties of the state, and warning all persons to seclude all animals in their possession that are affected with such disease or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease as the nature thereof may, in his judgment, render necessary or expedient; to order that any premises, farm or farms where such disease

Authorized to issue proclamation.

exists, or has existed, be put in quarantine, so that no domostic animal be removed from or brought to the premises, or places so quarantined, and to prescribe such regulations as he may judge necessary or expedient to prevent infection or contagion being communicated in any way from the places so quarantined; to call upon all sheriffs and deputy sheriffs to carry out and enforce the provisions of such proclamations, orders and regulations; and it shall be the duty of all sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the governor in the premises; to employ such and so many medical and veterinary practitioners, and such other persons as he may from time to time deem necessary to assist him in performing his duty, as set forth in the first section of this act, and to fix their compensation; to order all or any animals coming into the state to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for the destruction of animals affected with the said infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion; *provided*, that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the governor as aforesaid; to prescribe regulations for the disinfection of all premises, buildings and railway cars, and of all objects from or by which infection or contagion may take place or be conveyed; to alter and modify from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time.

Duty of sheriffs in the premises.

Employment of medical and veterinary practitioners.

Proviso.

Penalty.

3. *And be it enacted*, That any person who shall transgress the terms or requirements of any proclamation, order or regulation issued or prescribed by the governor, under the authority of this act, shall be deemed guilty of a misdemeanor.

Expenses incurred, how paid.

4. *And be it enacted*, That all the necessary expenses incurred under direction or by authority of the governor in carrying out the provisions of this act, shall be paid by the treasurer, upon the warrant of the comptroller, on being certified as correct by the governor.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XC.

A Further Act respecting county physicians.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person appointed as county physician in any county of this state shall receive an annual salary greater than fifteen hundred dollars, and it shall not be lawful for any board of freeholders to fix a salary at an amount exceeding said sum. Maximum salary allowed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCI.

An Act for the government of cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having vacant corners at the intersection of any of the streets, the titles to which land is in the said city or cities, or in the inhabitants thereof, by virtue of will or grant, the city council or board of aldermen of such city or cities, by a two-thirds vote thereof, shall be authorized to sell and convey the same in fee; *provided*, that no Authorized to sell and convey land. Proviso.

sale thereof shall be made without the written consent of the owners of lots fronting on said vacant corners.

Money to be paid into city treasury.

2. *And be it enacted*, That all moneys received from the sale of said vacant corners shall be paid into the treasury of the said city where said vacant lots are situate.

Not to app'y to certain cities.

3. *And be it enacted*, That the provisions of this act shall not apply to cities of this state having, by the last state census, a population exceeding fifty thousand, and that this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCII.

An Act to provide increased facilities for lighting and heating the New Jersey state prison.

Inspectors to procure estimates of cost.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in the opinion of the governor of this state, it shall be deemed advisable and necessary to construct additional gas retorts and steam boilers, at the New Jersey state prison, the board of inspectors of the state prison shall have power to procure estimates of the cost of said work and to execute the same; *provided*, that the estimates and contracts therefor shall be first approved by the governor.

Proviso.

Costs to be paid on warrant of comptroller.

2. *And be it enacted*, That the cost of the execution of said work shall not exceed the sum of four thousand dollars and be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys not otherwise appropriated; and that this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCIII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Authorized to sell tickets at less than limited rates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for corporations organized under the act to which this is a supplement, and the acts supplementary thereto, to issue, sell and dispose of tickets for passage upon the railroads of such corporations at less than the rates limited in the act to which this is a supplement; which tickets shall be good and shall entitle the holder or holders thereof to passage only for a limited number of days after the date of the issue thereof, which limit shall be clearly and duly stated and set out upon the ticket.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCIV.

A Further Supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, the board of managers of the State Asylum for the Insane, at Morristown, New Jersey, consists of seven members, five of whom were appointed by the governor and senate, in the year one thousand eight hundred and seventy-one, and two by the legislature, in joint meeting, in the year one thousand eight hundred and seventy-four, all of whom hold their offices for indefinite terms, subject only to the pleasure of the legislature; *and whereas*, the managers of the New Jersey State Lunatic Asylum, at Trenton, are ten in number, appointed by the supreme court for five years, two retiring annually; *and whereas*, it seems desirable to have a uniform system of appointing the managers for both asylums, and to provide for rotation in the office of manager; *and whereas*, several of the managers of the State Asylum for the Insane, at Morristown, New Jersey, reside in counties that send all their patients to the asylum at Trenton, while several of the most populous counties in the state, that send their indigent insane to the asylum at Morristown, are unrepresented in the board of managers thereof; now, therefore,

The governor empowered to appoint three additional managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the passage of this act the governor by and with the advice and consent of the senate shall appoint three additional members of the board of managers of the State Asylum for the Insane, at Morristown, New Jersey, said members to be appointed from counties sending their indigent

insane patients to said asylum, and not now represented in said board of managers.

Term of office.

2. *And be it enacted*, That in February next, the members of said board of managers shall classify themselves by lot, so that two shall go out of office in the year one thousand eight hundred and eighty-one, and two in every year thereafter, and they shall hold their office until others are appointed in their stead, subject to being removed for cause, at any time, by the governor; their successors shall be appointed in like manner by the governor, and shall hold their offices for five years, and until others are appointed in their stead, and subject to be removed in the manner aforesaid; the governor at any time by the advice and consent of the aforesaid may fill vacancies in the board, but the person appointed to fill the vacancy shall only serve under such appointment for the unexpired term of the person whose place he is to supply.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCV.

A Supplement to "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

Reduction of fees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all in foreclosures of mortgages and the sale of mortgaged premises, where the amount due does not exceed three hundred dollars, the fees of the solicitor, clerk, chancellor, master and examiner, sheriff, or any other official, are hereby reduced one-half of the amount now fixed by law.

Repealer.

2. *And be it enacted,* That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 13, 1879.

CHAPTER XCVI.

An Act concerning roads.

Time for holding election for overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Friday next preceding the second Tuesday of April, annually.

Notice to be given of time and place of meeting.

2. *And be it enacted,* That the town clerk of each of such townships shall give notice of the time and place of holding meetings for such elections, such notice to be signed by him and set up in a public place in each of such road districts five days before the time of holding such elections.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER XCVII.

A Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in all incorporated cities having a population of not less than four thousand, and not exceeding a population of six thousand, and in towns having a population less than one thousand, in counties of this state, such counties having a population of not less than thirty-seven thousand, and not exceeding forty thousand, by the census of one thousand eight hundred and seventy-five, the license to keep inns and taverns, ale or beer saloons, shall be granted by the inferior court of common pleas of the county wherein such city and towns is located, and the money received for all such licenses shall be paid over, by the collector of such county, to the treasurer, collector or other proper financial officer of the city and towns in which such license shall be granted. License to be granted by court of common pleas in certain cities and towns.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved March 13, 1879.

CHAPTER XCVIII.

An Act concerning cities.

Compensation to be paid comptroller, by whom fixed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council or city council of any incorporated city of this state, to determine and fix the amount of salary or compensation which shall be paid to the comptroller of any city; *provided*, that this act shall apply only to cities having by the census of one thousand eight hundred and seventy-five, a population exceeding fifty thousand, and less than one hundred thousand inhabitants, in which the salary of the comptroller shall not exceed the sum of three thousand dollars per annum, and to cities having by the same census a population exceeding twenty-five thousand and less than fifty thousand inhabitants, in which the salary of the comptroller shall not exceed the sum of two thousand five hundred dollars per annum, and to cities of less than twenty-five thousand inhabitants in which the salary shall not exceed the sum of two thousand dollars per annum; *provided, however*, that nothing in this act shall be construed or held to permit any increase in the salary of comptroller in any city of this state beyond that paid for the year eighteen hundred and seventy-eight.

Proviso.

Proviso.

Comptroller to make annual statement.

2. *And be it enacted*, That it shall be the duty of the comptroller to give the board of aldermen or common council or city council a statement in detail of the financial condition of said cities at least once in each year, and oftener if required, by said board of aldermen or common council or city council, or on written application of one-fourth the members thereof.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts repugnant to the

provisions of this act, be and the same are hereby repealed.

Approved March 14, 1879.

CHAPTER XCIX.

An Act for the appointment of a special tax commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state by and with the advice and consent of the Senate, shall appoint a special tax commission for the purpose of investigating the subject of taxation in this state and the laws relating thereto, and advising such changes and improvements therein as to them shall seem most likely to promote the agricultural, commercial, manufacturing and other interests of the people of the state, and the governor of the state is hereby authorized and empowered to fill all vacancies which may occur in said commission. Governor to appoint commissioners.

2. *And be it enacted*, That the said commission shall make a full and thorough investigation of the manner in which the different kinds of property and the various industries and occupations of the people of the state are affected by existing laws relating to taxation, together with any defects, discrepancies or inequalities in such laws, and shall report to the legislature at its next session; submitting with such report, if they shall deem it advisable, the provisions of a general tax law. Duties of the commissioners.

3. *And be it enacted*, That the members of said commission shall receive compensation for their services at the rate of five dollars each per diem, for the time actually and necessarily employed in performing the duties prescribed in the foregoing sections, together with their travelling and hotel expenses actually and necessarily incurred; *provided*, that the time for which compensation shall be allowed to any member shall not in any case exceed fifty days; and that a clerk may be employed by the commis- Compensation. Proviso.

May employ clerk.

sion at a compensation not to exceed two and a half dollars per diem, and for a period not to exceed sixty days.

Expenses, how paid.

4. *And be it enacted*, That the treasurer of the state is hereby authorized and directed to pay, on the warrant of the comptroller, the expenses incurred under the provisions of this act and properly certified by the chairman of the commission, including the necessary cost of postage, stationery and printing, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER C.

An Act to amend an act entitled "A Supplement to an act entitled 'An act concerning mortgages,'" approved March twenty-seventh, one thousand eight hundred and seventy-four [Revision], which supplement was approved February twenty-sixth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered ten of said supplement, which reads as follows, viz:

Section to be amended recited.

"10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in any such suit shall be thirty cents for each folio," be and the same is hereby amended so that the same shall read as follows, viz:

Section as amended.

10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in such suits shall be five dollars, and no more.

2. *And be it enacted*, That this shall be deemed a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CI.

A Supplement to an act regulating proceedings in criminal cases [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and thirteen of the act to which this is a supplement, which section reads as follows, viz:

Section to be amended recited.

"113. *And be it enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other offence punishable with death, (murder excepted), unless the indictment for the same shall be found by a grand jury, within three years next after the treason or other offence punishable with death shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not punishable with death, unless the indictment shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid; *provided*, that nothing herein contained shall extend to any person or persons fleeing from justice," be and the same is hereby amended, so as to read as follows, viz:

Section as amended.

113. *And be it enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other offence punishable with death (murder excepted) unless the indictment for the same shall be found by a grand jury, within three years next after the treason or offence punishable with death, shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not punishable with death, unless the indictment shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid; *provided*, that any person holding, or having

Amendment.

held, or who may hereafter hold any public office or employment, or exercise the functions of such office or employment, either under this state, or any county, city, borough, town or township therein, whether elective or appointive, may be prosecuted, tried and punished for any fraud, malfeasance or other misconduct committed whilst in such office or employment, where the indictment has been or may be found within five years from the time of committing the offence aforesaid; *and provided further,* that nothing herein contained shall extend to any person or persons fleeing from justice.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CII.

An Act concerning cities.

Powers of common council or board of aldermen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the common council or board of aldermen of any city of this state, shall have power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

To license peddlers, hackmen, &c.

I. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, peddlers, hucksters, pawn-brokers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities, and to fix the rates of compensation to be allowed to them and to fix the sums to be paid for such licenses to the city treasurer of any such city;

To regulate weights and measures.

11. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection; and to enforce the observance of all such ordinances and by-laws, by enacting penalties for the violation thereof, either by imprisonment in the county jail or city prison, not exceeding ten days or by fine not exceeding twenty-five dollars, recoverable with costs in an action of debt in the name of the treasurer of such city, before the mayor or other magistrates thereof, for the use of the said city and it shall be lawful for the mayor or other magistrate of any said city before whom any such judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment under his hand and seal directed to the keeper of the county jail or city prison.

Penalty.

Appointment of sealer of weights and measures.

2. *And be it enacted*, That the common council or board of aldermen of any city of this state may hereafter annually appoint, by a majority of the votes of all its members a sealer of weights and measures for said city, who shall hold his office for one year unless sooner removed and until his successor shall be appointed and qualified, and who shall possess the powers and be subject to the obligations conferred and imposed on him by law or by the ordinances, by-laws, rules and regulations of the common council or board of aldermen of such city, and on application for that purpose the superintendent of weights and measures of this state, shall allow and assist any such sealer of weights and measures to compare and adjust the standard of weights and measures for said city and shall certify and seal the same in the manner required by law; *provided*, that nothing in this act contained shall in any way affect any like powers heretofore granted to the common council or board of aldermen of any city of this state.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CIII.

An Act authorizing the counties of this state to renew matured and maturing bonds.

Seventy five per cent. of indebtedness may be renewed by issuing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew seventy-five per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding ten years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall have coupons attached for every year's interest until due, and which coupons shall be signed by the director of said board and attested by the clerk thereof, and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this act shall be numbered and a register of such numbers, and the date of issuing, and the time of payment shall be made by the county collector or clerk of the said board of chosen freeholders, in a book to be provided for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value; and all the real estate and pro-

Rate of interest.

Not to be sold at less than par value.

perty within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor shall it be held to interfere with or affect the renewal of bonds renewed by virtue of the provisions of any special act heretofore passed.

May not issue bonds in certain cases.

2. *And be it enacted*, That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Payment of bonds to be provided for by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CIV.

A Supplement to an "Act to authorize the purchase of steam fire engines, &c., in incorporated towns, and providing means for the payment of the same," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in incorporated towns or boroughs in which there shall be no mayor and common

Commissioners or other authorities to have like powers as

mayor or common council.

council, it shall be lawful for the board of commissioners or other authorities constituted for the goverment of said towns or boroughs to have the same powers and perform the same duties as the mayor or common council have in the act to which this act is a supplement.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CV.

An Act to provide for the establishment of schools for industrial education.

State board of education may establish industrial schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of education may, in their discretion, establish schools for industrial education, upon the application of not less than ten citizens of this state, who shall agree to pay a suitable part of the expense of maintaining any such schools; and the said board of education shall have power to prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the provisions of this act.

Object.

2. *And be it enacted*, That such schools, when organized, shall be for the training and education of pupils in any industrial pursuits now established in this state, including agriculture, so as to enable them to perfect themselves in the several branches of industry which require technical instruction.

Board of trustees, their powers and duties.

3. *And be it enacted*, That there shall be a board of trustees of each of such schools, to consist of five members, who shall have control of the buildings and grounds owned or used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment of teachers, and the power of removing the same, the power to prescribe the

studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state board of education their own doings, and the progress and condition of the schools.

Board of trustees, how constituted.

4. *And be it enacted*, That the said trustees shall consist of the governor, ex-officio, who shall be president of the board, two persons to be selected by the state board of education, one selected by the citizens contributing, and one to be appointed by the common council or township committee of the locality where such school is established.

Expenses, how paid.

5. *And be it enacted*, That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be paid upon the approval of the governor.

Support of school.

6. *And be it enacted*, That any city, town, township or county, shall have the power to appropriate for the support of any such school such amount as they may deem expedient and just.

How supported.

7. *And be it enacted*, That the said school shall be supported, (1) by the amount received from tuition fees; (2) by the money contributed by petitioning citizens; (3) by the amount appropriated by the city, town, township or county; and (4) by the amount contributed by the state board of education; *provided, however*, that the sum annually contributed by the said board shall not exceed the sum of one thousand dollars, nor shall any one school receive more than five hundred dollars of said amount; and the treasurer is hereby authorized to pay, upon the warrant of the comptroller, approved by the governor, such sum, not exceeding the amount above specified, as may be called for by the trustees.

Proviso.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CVI.

An Act to provide for the further relief of the poor.

Increase of appropriation authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities, boroughs and towns having fifty thousand inhabitants and upwards, has been already expended, or is or may be inadequate and insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city or town, or in the absence of such board, then the common council, or other authority or board of any such city, borough or town, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*, such additional appropriation shall not exceed ten thousand dollars; *and provided further*, that it shall be the duty of such board or common council thus making appropriation to adopt and enforce such measures and regulations respecting the disbursing such appropriation or otherwise relieving the poor in amount thereof, as in their judgment will seem a prudent, wise and economical expenditure of such appropriation, and afford the desired aid to the poor.

Proviso.

Proviso.

May borrow money in anticipation of taxes to be levied.

2. *And be it enacted*, That said board or common council is hereby authorized to borrow the amount of money which such board or common council may by this act appropriate, for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper evidence or evidences of indebtedness therefor, to be signed by the mayor, sealed by the city, borough or town seal, and attested by the clerk; and the said board or common council, as the case may be, shall provide for the repayment of the said borrowed money in

the tax levy to be made next thereafter, unless the same be previously paid, and it is hereby made the duty of said mayor to sign, and the said clerk to attest and seal with the corporate seal such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CVII.

An Act concerning the erection of school houses in cities of a certain class.

Common council in certain cities may borrow money for the purchase of land and erection of school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of not less than ten thousand nor more than fifteen thousand inhabitants, according to the census of the year one thousand eight hundred and seventy-five, where there are boards of education, it shall be lawful for the common councils of said cities, or any or either of them, at the request of the board or boards of education of such respective city or cities, from time to time, to borrow any sum or sums of money, not exceeding in the whole the sum of twenty thousand dollars in each city, for the purchase of land and the erection of a school house or school houses thereon in such respective city or cities, and to secure the payment of such sum or sums in such manner and upon such terms as may have been provided, in and by the charters of such respective cities, for securing the payment of borrowed moneys.

Board of education to have charge of the expenditures.

2. *And be it enacted*, That such moneys so borrowed shall be expended by such boards of education respectively, for the purposes aforesaid, in the manner provided in and by such respective charters; and if any of said

moneys shall be left unexpended in any year then current, the same shall be charged to and deducted from the amount or amounts of money appropriated for school purposes in such respective city or cities, in and for the year or years then next ensuing.

Annual sum to be raised by tax.

3. *And be it enacted*, That there shall be raised, with the general tax levy of each year, the sum of eighteen hundred dollars, to be used for the payment of the bonds, principal and interest, therein mentioned as they fall due from time to time, such amounts to be passed over to the commissioners of the sinking fund from time to time as collected, and be governed by the same provisions as the street improvement bonds authorized by section four of supplement to the charter, approved in one thousand eight hundred and seventy-three.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CVIII.

An Act to provide ways and means to defray the state expenditures.

Amount of state tax to be assessed of one-half of one mill on each dollar of valuation contained in abstract of ratables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected on the real and personal property in this state, as exhibited by the abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-eight, and filed in the office of the comptroller of the treasury, a state tax of one-half of one mill on each dollar of the valuations contained in the said abstracts; and the proceeds of the said tax are hereby appropriated and shall be applied as follows: there shall be paid to the commissioners of the sinking fund such sum as the laws

of this state shall require to be paid from the state treasury on account of the maturing principal of the public debt authorized by "An act authorizing a loan for the purposes of war," &c., approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto, and the residue of the proceeds of the said tax shall be paid into the state fund, and shall be appropriated and applied to defraying the necessary expenses of the state; which tax and the sums required to be raised for county, city, township or other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the laws of this state which shall be in force at the time the said taxes are assessed.

Proceeds, how appropriated.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax and at the rate aforesaid among the several counties, in proportion to the amount of real and personal estate taxable in said counties respectively, as shown by the abstracts respectively as aforesaid, and it shall be his duty to transmit within thirty days after the approval or passage of this act, to the county collector of each county a statement of the amount of said tax apportioned to said county; and the said collector shall lay said statement before the assessors of the townships and wards within his county at their next meeting to apportion the city and township taxes, and the said assessors shall thereupon proceed to assess said tax according to law; and it shall be the duty of the collectors of the several counties to pay to the state treasurer the quotas of the said tax due from their respective counties out of the first moneys which shall be paid to them by the several city, township or ward collectors of their respective counties, any local or special law to the contrary notwithstanding.

Comptroller to transmit to county collector a statement of tax apportioned to county.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties printed forms, on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which form there shall be printed the oath which the assessors are required by law to take, and no abstract of the amount of ratables shall be deemed to have been made according to law unless

Comptroller to furnish printed forms for returns of amount of ratables.

said oath shall have been taken by each member of the board of assessors; and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the oath as herein provided.

Authorized to dispose of or pledge any securities now in state fund when necessary.

4. *And be it enacted*, That the governor, comptroller and treasurer of the state be and they are hereby authorized to dispose of or pledge any securities now in the state fund, whenever it may be, in their judgment, or in the judgment of a majority of them expedient or necessary so to do, in order to meet the lawful demands upon the treasury; and the proceeds of any securities so disposed of or pledged shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful state expenditures.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CIX.

A Supplement to an act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns."

Capturing, killing, hunting or shooting, geese, brant or ducks, in certain waters at certain seasons, prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to kill, capture, hunt or shoot, or shoot at, in, on, or over that part of the waters of Barnegat Bay and its tidewater tributaries, north of a line from Good Luck Point to the hotel called and known as the Bond House, opposite to Good Luck Point, any geese, brant or ducks, at any time in the night, that is to say between sunset and sunrise; nor shall it be lawful, at any time, to kill, capture or hunt any geese, brant or ducks, in, on or over the waters aforesaid, except only between the

fifteenth day of October and the first day of May, yearly and every year; *provided*, that there shall be nothing in this act to prevent shooting geese from the land north of the above mentioned line, between the fifteenth day of October and the first day of May, yearly and every year. Proviso.

2. *And be it enacted*, That it shall not be lawful for any person or persons, at any time, to sail for, shoot or shoot at any geese, brant or ducks from any boat or boats, vessel or vessels, propelled by steam or sail, or from any boat or boats or similar structure or structures, anchored or staked upon the waters of that part of Barnegat Bay or its tidewater tributaries, north of the line mentioned in the first section of this supplement; *provided*, that nothing in this section shall prevent shooting from the ice. Shooting from boats or vessels prohibited. Proviso.

3. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person or persons to kill, destroy, take, decoy or drive in boats on the waters or about the shore of Mosquito Cove, being a part or arm of Barnegat Bay, or any of the creeks or streams emptying into said Mosquito Cove any wood duck, black duck, teal or other kind of duck or brant except only on Mondays, Wednesdays and Fridays, and then only between sunrise and sunset of each day of each week between the first day of September and the first day of May, yearly and every year. Shooting &c., of certain kinds of water fowl prohibited except on certain days and at certain seasons.

4. *And be it enacted*, That every person offending against the provisions of this act shall, for each and every offence, forfeit and pay the sum of twenty dollars, to be sued for and recovered, with costs, in an action of debt, before any justice of the peace in this state, by any person who shall sue for the same, and on non-payment thereof such offender shall be committed to the workhouse or common jail of the county for any period not exceeding sixty days, and until said fine and costs are paid. Penalty for offending.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act, so far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 14, 1879.

CHAPTER CX.

A Further Supplement to "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Supreme court or a justice thereof empowered to prescribe the nature of notice to be given, and order its publication.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment for the costs, charges and expenses of laying out or opening any public road, avenue or street, or of grading, paving, flagging or otherwise improving the same, or of the construction of any sewer, or of any other local or public improvement, shall have been or shall be set aside or reversed on certiorari, either in whole or in part, and commissioners shall be or shall have been appointed by the supreme court to make a new assessment, in whole or in part, or whenever by reason of the setting aside or reversal as aforesaid, the same commissioners which have already acted (including any other commissioner legally substituted in the place of any of them), shall have power to make a new assessment, in whole or in part, and the statute or statutes under which said commissioners are required to perform their duties, make no special provision or a defective provision, for a notice to be given to the parties interested, for a hearing before the said commissioners, it shall be lawful, and the supreme court or a justice thereof, is hereby empowered to prescribe the nature of the notice to be given, and to order its publication for such length of time, in any of the newspapers of this state, as the court or justice may consider proper and sufficient.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXI.

An Act for the support and relief of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the maintenance of the said school, the sum of thirty thousand dollars be and the same is hereby appropriated. Amount of appropriation.

2. *And be it enacted*, That for the erection of a family house, to relieve the crowded condition of the school, and furnishing the same, the sum of six thousand five hundred dollars be and the same is hereby appropriated. How expended.

3. *And be it enacted*, That for the securing a supply of pure water, and making of necessary drainage, to remedy the sanitary condition of the institution, the sum of three thousand five hundred dollars be and the same is hereby appropriated. Water and drainage.

4. *And be it enacted*, That for the erection of a hospital for the sick, separate and apart from the other buildings, and furnishing the same, the sum of three thousand dollars be and the same is hereby appropriated. Hospital.

5. *And be it enacted*, That the treasurer of the state be and he is hereby directed to pay on the warrant of the comptroller, the several sums specified in this act to the trustees of said school. Treasurer to pay on warrant of comptroller.

6. *And be it enacted*, That the several provisions of this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries."

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars be, and is hereby appropriated for the current expenses of the said bureau, which amount shall include every expense except printing; the printing of the necessary blanks, pamphlets, etc., shall be paid for in the same manner as is provided for all other state reports presented to the legislature.

Salary of secretary.

2. *And be it enacted*, That the assistant provided for in the fourth section of the act to which this is a supplement, be and is hereby constituted secretary of said bureau, and he shall receive an annual salary of twelve hundred dollars.

State treasurer to pay money appropriated.

3. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money not otherwise appropriated, the sums provided for in the first and second sections of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXIII.

An Act respecting religious societies incorporated under special acts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in the election of the trustees of any religious society incorporated by special acts, it shall not be necessary as a qualification for such election that such trustees shall be members of the church in which such corporation exists; *provided always*, that they are attending members of the congregation, and contribute to the support of the church of which they may be elected trustees; *and provided also*, that at least a majority of the trustees elected shall be members of such churches in good and regular standing. Qualification of trustees. Proviso. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXIV.

An Act to limit and restrict expenditures by boards of chosen freeholders in this state, and to determine the compensation of such freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state where there is now by law an annual salary paid to members of said boards of chosen freeholders, it shall not be Annual salary to be in lieu of all other fees or compensation.

lawful for any member of any of said boards to receive any other or further sum than the annual salary aforesaid, by virtue of his office or position as chairman of any regular committee or committees of said board, but the said annual salary shall be in lieu of all other fees, compensation or emoluments whatever.

Penalty for demanding or receiving other compensation than salary.

2. *And be it enacted*, That any member of any said board of freeholders who shall take, demand or receive any compensation other than such annual salary as aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be punished by a fine of not more than two hundred and fifty dollars, in the discretion of the court.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with this act, general or special, be and they are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXV.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

Title to any turnpike road &c., vested in board of chosen freeholders, to be deemed and taken as a county road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county in this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and

expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed or appropriated in said county; and it shall be lawful for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes are raised; *provided, however*, that whenever there exists in any county of this state a county workhouse or prison for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county.

How maintained and kept in repair.

Proviso.

2. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXVI.

An Act to allow cities in the state of New Jersey to issue registered bonds in lieu of coupon bonds heretofore issued, or which are authorized by law to be hereafter issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where coupon bonds have been heretofore issued, according to law, or in which coupon bonds have been authorized by law to be issued, but have not as yet been issued, the proper financial authorities may hereafter issue, either coupon or registered bonds; where bonds have been authorized to be issued, but have not been so issued, and where coupon bonds have already been issued, according to law, such financial authorities may, upon the application of any legal holder or holders of such coupon

Registered bonds may be issued in exchonge for coupon bonds.

bonds, and at their expense, issue registered bonds in exchange for such coupon bonds, to run for the period such coupon bonds have yet to run at the time of making such exchange, and at a legal rate of interest, and the coupon bonds so received in exchange for such registered bonds shall be cancelled.

Bonds to be registered in proper books.

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registering thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books, and shall have power to determine in what amounts such bonds shall be issued.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXVII.

A Supplement to an act entitled "An act constituting courts for the trial of small causes."

When an alias or pluries execution may issue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any judgment is obtained in any court for the trial of small causes in this state, and an execution shall issue thereon, and be returned by the constable to whom it has been delivered to be executed, endorsed to the effect that he could not find personal property of the party against whom the execution was issued, on which to levy, or that he had levied and sold goods and chattels, and had made thereof part of said judgment, and that the same was not fully satisfied and stating the balance still unsatisfied, and if the person against whom such execution shall have been issued, and returned as aforesaid, shall reside in or be possessed of goods and chattels, in any other county of this state, than that in which such execution shall have been issued and

returned as aforesaid, then an alias or pluries execution may issue, as the case may be, out of said court, directed to any constable in the county where said person against whom such execution may issue, shall at that time reside or be found, or be possessed of goods and chattels, and it shall be the duty of the constable to whom such execution shall be given to carry it to some justice of the peace of the county wherein said person or goods and chattels may be found, and the justice to whom the same shall be presented, on proof being made to him of the hand writing of the justice of the peace who issued such execution shall endorse his name thereon, with an authority to make levy and sale of the goods and chattels of said person in the same manner as in other cases on executions issuing out of the court for the trial of small causes, which execution shall be returned to the justice issuing the same, in the same manner as in other cases.

Execution how directed and served.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 14, 1879.

CHAPTER CXVIII.

An Act to amend an act entitled "An act relative to trustees" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act relative to trustees" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Amendment.

Preamble.

WHEREAS, the acts relating to descents have always been construed not to extend to estates granted or devised to trustees so that the estate descended to the heir at common law, but doubts have been suggested whether the act respecting joint tenants and tenants in common does not apply to estates granted or devised to trustees, although the same reason of convenience applies to both cases, and the survivor or survivors should take the legal estate and such doubts should be set at rest; therefore,

Estates devised to trustees, shall be construed to vest an estate of joint tenancy in such trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all estates heretofore or hereafter granted or devised to trustees, shall be construed to have vested and to vest an estate of joint tenancy in such trustees, and in case any trustee has been or shall be removed, and a conveyance or devise has been or shall be made by the trustee or trustees so removed, to the old and new trustee or to new trustees, such conveyance or devise shall be construed to vest in the old and new trustee or the new trustees an estate in joint tenancy notwithstanding the want of any unity; and in case any trustee or trustees have resigned or died, or shall hereafter resign or die, or the office of any such trustee become vacant for any cause and a new trustee or new trustees be appointed, the surviving trustees, if any there be, and the new trustee or trustees shall hold the trust estate as joint tenants, and a conveyance from the surviving trustees of a right and interest in the trust estate to such new trustee or trustees, shall vest in all the trustees an estate in joint tenancy notwithstanding the want of any unity.

Approved March 14, 1879.

CHAPTER CXIX.

An Act defining the powers and duties of directors at large of boards of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the powers and duties to be exercised by the director at large of each and every board of chosen freeholders of this state shall be as follows, viz: he shall act as the presiding officer of the board and perform all the duties usually appertaining to a presiding officer, but shall have no vote in the board except in the case of a tie; he shall appoint all committees provided for by the board, by resolution or otherwise; he shall sign or countersign all warrants or orders for the payment of money; and he shall have power to veto or disapprove of any action of the board within ten days thereafter, but in case he does veto or disapprove, he shall communicate in writing the cause or grounds of his disapproval to the board at the first meeting thereof, held for the transaction of general business, next after the expiration of said ten days, at which meeting the board, after directing the objections to be entered at large in the minutes, shall proceed to consider the same, and if the board shall not, by a vote of two-thirds of all the members thereof, decide to approve or ratify the action disapproved or vetoed by the director, then the same shall be void; in case he fails or neglects to sign or take action to approve or disapprove of any action of the board, within the time above limited, then the same shall take effect as if it had been signed or approved of by him.

Director to be the presiding officer.

General powers.

Veto power.

Proceedings in case of veto.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXX.

A Supplement to the act entitled "An act to authorize the formation of gas light corporations and regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

May not refuse to furnish gas by reason of a gas bill remaining unpaid by a former occupant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any gas light corporation to refuse to furnish or supply gas, to or for any building or premises, by reason of a gas bill remaining unpaid by any previous occupant of said building or premises; *provided*, the person or persons applying for gas shall not be in arrears to the said gas light corporation, for gas previously furnished to or for said building or premises, or furnished to or for any other building or premises.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXI.

A Supplement to an act entitled "An act relating to the assessment and revision of taxes in cities of this state," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement, and which section reads as follows:

"3. *And be it enacted*, That the provisions of this act shall not apply to cities having a population of less than one hundred thousand inhabitants," be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXII.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-fourth, one thousand eight hundred and seventy-four.

WHEREAS, There exist in the several counties of this state duly incorporated charitable institutions known as "children's homes," having for their object the care, management and support of children who, from any Preamble.

cause whatever, may be considered entitled to charity and deserving of assistance, and affording them the advantages of moral, religious and useful training, thereby relieving the several counties of the support of such children at the county poor houses; therefore,

Application for relief of poor children under twelve years of age.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any application shall be made to any overseer of the poor of any township of this state for the relief and in behalf of any poor child or children under twelve years of age, in accordance with section thirty-one of the act to which this is a supplement as now amended, it shall be lawful for a majority of the judges of the court of common pleas of the several counties where children's homes may be located to make an order committing such child or children to the care and control of the trustees or managers of any such duly incorporated children's homes, subject to the approval of such trustees or managers, and shall keep a record of the date of such commitment, the name and age of the child committed as nearly as can be ascertained, and report the same to the board of chosen freeholders of the said county who are hereby authorized and empowered to pay out of the funds belonging to said county, to the trustees or managers of such homes as have received the child or children so committed to them, a sum not exceeding one dollar and fifty cents a week for each and every child during their continuance in such home, as and for the board, maintenance and education of such child until it attains the age of fifteen years, and the county collector of said county is hereby authorized to pay the same upon an order drawn upon him for that purpose; and the said trustees or managers of such homes shall make an annual report to the said board of freeholders, giving the dates of all commitments made to them, the names and ages of all children so committed, and the places from which they were committed as nearly as can be ascertained, and the amount of moneys received by them each year for their support, so that said freeholders shall at all times be correctly informed as to the faithful disposition of the moneys appropriated by them for that purpose; *provided*, that the provisions of this act shall not apply to counties

Commitment to incorporated childrens' homes.

Expenses for maintainance and education, how provided.

Proviso.

in which there is a city of over twenty thousand inhabitants.

2. *And be it enacted* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXIII.

An Act extending the charters of the owners of certain fisheries.

Term extended twenty years after time in charter limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all acts for the incorporation of the owners of certain fisheries in any township of this state which, according to the terms of their several charters, and the amendments thereto, shall expire during this current year, be and the same are hereby continued and extended for and during the term of twenty years from and after the times in their charters limited for their continuance.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXIV.

A Supplement to an act entitled "An act for the preservation of fish," approved April fifth, one thousand eight hundred and seventy-eight.

Preamble.

WHEREAS, Section one of the act to which this is a supplement, provides "That hereafter it shall not be lawful for any person or persons, either by day or night, to put, place or haul any gill, drift or other net or nets, for the taking or catching of fish in any of the waters of this state (except as hereinafter provided) at any time between the fifteenth day of May and the fifteenth day of July in each and every year;" *and whereas*, the said act is susceptible of a construction adverse to the interests of the shad and herring fisheries of the state; therefore,

Time for closing shad and herring fisheries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prohibition in the said act as to fishing after the fifteenth day of May, shall not be held to forbid the operation of the shad and herring fisheries of the state, to the tenth day of June, south of Trenton Falls, and to the fifteenth day of June, north of Trenton Falls, as now provided by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXV.

An Act for the protection of the fishing interests of this state.

Preamble.

WHEREAS, During the past six years efforts have been made on the part of the fish commissioner of the United States and the commissioners of fisheries of the states of New Jersey and Pennsylvania, to stock the waters of those states with salmon, and particularly to stock the Delaware river, with a view to making that river a salmon producing stream, for which purpose considerable sums of money have been expended by the two states above named; *and whereas*, the number of salmon taken during the last shad fishing season furnishes evidence that these efforts will meet with the anticipated success, and the revenues from our river fisheries be greatly increased if sufficient protection is afforded to these fish to allow them to ascend the river at the spawning season, and continue by natural process the work of populating the waters; therefore,

Fishing except with rod, hook and line prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the term of three years from the passage of this act it shall not be lawful for any person to take from the Delaware river, or from any of the tributaries of said river within the jurisdiction of this state, any salmon or grilse, with any seine, fike net, gill net, drift net, pound, weir, rack or any other appliance or device, nor in any manner except with rod, hook and line in the manner usually known as angling; nor shall it be lawful for any person to have in his possession any salmon or grilse taken from the said waters by any of the devices herein prohibited; and any person who shall take from the said waters any salmon or grilse by any of the said prohibited devices, or who shall have in possession any salmon or grilse so taken from the said

Penalty.

waters, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment for a term not exceeding three months; *provided*, that nothing in this act shall be construed to prohibit the commissioners of fisheries from taking salmon or grilse at any time or in any manner for purposes connected with the performance of their duties;

Proviso.

Proviso.

and provided further, that the prohibition herein contained shall not be held to apply to the main stream of the Delaware river until an act shall have been passed by the legislature of Pennsylvania containing a similar prohibition.

When penalty not to be imposed.

2. *And be it enacted*, That the penalty imposed by this act for illegally taking salmon and grilse, shall not be imposed upon such shad and herring fishermen as may, in the pursuit of their avocations inadvertently take salmon or grilse in their nets; *provided*, the fish so taken shall be returned alive to the stream.

Proviso.

Approved March 14, 1879.

CHAPTER CXXVII.

A Supplement to an act entitled "An act relating to the consolidation of railroads," approved March seventh, one thousand eight hundred and seventy-eight.

Authorized to issue preferred stock in lieu of, and in exchange for capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two or more railroad corporations have effected, or are desirous of effecting a consolidation and merger, under or by virtue of the act to which this is a supplement, or otherwise, and the bonded debt of said corporations is unequal in amount, or some or one of said corporations have no bonded debt, it shall be lawful for all or either of the said corporations having the lesser bonded debt or no bonded debt, to receive in the preferred stock of the said consoli-

dated corporation or in bonds secured by mortgage upon the property and franchises thereof, an amount not exceeding one-half its or their capital stock respectively in lieu thereof, and in exchange for an equal amount of its or their own capital stock theretofore issued; which capital stock when so received by the said consolidated corporation shall be retired, cancelled, and destroyed, the amount of said preferred stock or of bonds secured as aforesaid, so to be issued in exchange for said capital stock shall be fixed and determined by a vote of two-thirds of the stockholders, in amount of the said consolidated corporation, or of the several corporations desirous of effecting such consolidation.

Capital stock exchanged to be retired and destroyed.

2. *And be it enacted*, That it shall be lawful for such consolidated corporation and they are hereby authorized to issue their bonds at par, to such an amount as shall be necessary to carry out the purposes of this act, and to secure the same by their indenture of mortgage upon the property and franchises of such consolidated corporation; and it shall also be lawful for such consolidated corporation to create by a vote of two-thirds of the stockholders, in amount, and to issue for the purpose hereinbefore set out a preferred stock, to an amount not exceeding one-half of the authorized capital of the respective corporations so consolidated; the holders of which said preferred stock shall be entitled to receive, and the said consolidated corporation shall be bound to pay thereon a certain fixed half yearly sum or dividend to be expressed in the certificates of such preferred stock, before any dividends shall be set apart or paid to the holders of the general or common stock.

May issue bonds at par, how secured.

Dividends.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXVIII.

An Act relative to taxes in the county of Middlesex.

Preamble.

WHEREAS, In the year one thousand eight hundred and seventy-seven, in making the valuation of property in the city of Perth Amboy, in the county of Middlesex, the assessor illegally included in the said valuation the property held and owned by "the Easton and Amboy railroad company," and fixed the valuation thereof at the sum of one hundred and five thousand six hundred dollars, the tax upon which said sum amounted, for state and county purposes, to nine hundred and fifty dollars and twenty-four cents, and the said illegal valuation having been returned to the board of assessors, and by them made a basis for determining the amount of state and county tax to be raised by the said city, which now stands charged in the accounts of said county, and it being just and equitable that the said city should not be required to pay tax upon such illegal valuation; therefore,

Released from the payment of state and county tax, and assessment declared void.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the city of Perth Amboy be and it is hereby released from the payment of state and county tax on such illegal valuation, which tax amounts to nine hundred and fifty dollars and twenty-four cents, and that the said assessment upon such illegal valuation is hereby declared null and void; *and whereas*, the said county of Middlesex has paid into the state treasury tax upon such illegal valuation amounting to three hundred and eighty dollars and sixteen cents; therefore,

Amount to be paid county collector.

2. *And be it enacted*, That the state treasurer be and is hereby required to pay to the county collector of the said county of Middlesex, for the use of the said county, upon a warrant drawn in the usual manner, the said

sum of three hundred and eighty dollars and sixteen cents.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXIX.

An Act to prevent the making and publication of false or deceptive statements in relation to the business of insurance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any insurance company or association doing business in this state advertises its assets, it shall in the same connection and equally conspicuously advertise its liabilities, the same to be determined in the manner now required in making the annual statements to the secretary of state; and all advertisements purporting to show the capital of such companies or associations shall exhibit only the amount of such capital as has actually been paid up in cash; all policies, renewals, signs, circulars, cards, or other means by which public announcements are made, shall be held to be advertisements within the meaning of this act.

Advertisements shall exhibit only the amount of capital actua ly paid up in cash.

Circulars, &c., held to be advertisements.

2. *And be it enacted*, That any such company or association, or any agent thereof, issuing or circulating advertisements which are not in conformity with the limitations and requirements of the preceding section of this act, shall be liable to a fine not less than fifty dollars, nor more than five hundred dollars, and it is hereby made the duty of the secretary of state to enforce the provisions of this act.

Penalty for failure to conform.

3. *And be it enacted*, That this act shall take effect on

the first day of April, in the year one thousand eight hundred and seventy-nine.

Approved March 14, 1879.

CHAPTER CXXX.

A Further Supplement to the act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six; and also, a supplement to the act entitled "An act to regulate the sale of ale, strong beer, lager, porter, wine and other malt liquors, in the state of New Jersey," approved April fourth, one thousand eight hundred and seventy-two.

Record to be kept in minutes of court of the names of all persons to whom licenses are granted and the amount assessed to each person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the duties now required to be performed by the clerks of the court of common pleas, of the several counties of this state, by the said acts to which this act is a supplement, the said clerks shall keep a record, in the minutes of the said court, of the names of all persons to whom licenses are granted by said courts, to keep inns or taverns, or to sell ale, strong beer, lager, porter, wine or other malt liquors, together with the amount assessed to each person for the same, and the date when paid.

Names of persons neglecting or refusing to take licenses, &c., to be reported to the court.

2. *And be it enacted*, That the said clerks shall, within ten days, if the said court be then in session, and if not in session, at the next session thereof, either special or regular, report to the said court the names of all persons who shall neglect or refuse to take out their licenses, and pay the fees and assessments therefor; and, thereupon, the said court shall, unless sufficient cause be shown to the contrary, revoke the said license or licenses.

Penalty for neglect of clerk.

3. *And be it enacted*, That if any of the said clerks shall neglect to perform any of the duties required of them by

this act, he shall forfeit, for each offence, the sum of twenty dollars, to be recovered in an action of debt in any court having jurisdiction of the same, by any person who shall sue therefor, in the name of the board of chosen freeholders of said county, one-half of said penalty to be paid to the person suing for the same, and the other half to the county collector of said county, for the use thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXI.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the public schools elected in each school district in this state, shall meet within ten days after said election, at the public school house, if there be one, or such other place as shall be previously designated, and organize by the election of a chairman and clerk, and that thereafter they shall meet on the first Tuesday after the first Monday in April, July, October and January during the year, at the same place, for the transaction of business connected with the public schools of their respective school districts.

Trustees to elect chairman and clerk

Time of holding stated meetings.

2. *And be it enacted*, That all bills and demands for money expended for school purposes, and all contracts entered into, shall be presented and passed on in open session of the board of school trustees, and no bills or demands for money on that account shall be paid which have not been thus passed on and approved, and the

Bills and demands for money to be presented and passed on in open session.

orders for the payment of the same, signed by the chairman of the board, and district clerk.

Detailed bill of items or demands, shall be presented.

3. *And be it enacted*, That it shall be unlawful for any board of school trustees or board of education of this state to pay or disburse, out of the school moneys under their control, any sum for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing or improving school buildings and grounds, janitors' and teachers' salaries, unless the person claiming or receiving the said moneys shall first present to the board of trustees or boards of education, a detailed bill of items or demands, specifying particularly how such bill or demand is made up, and the dates thereof, and the names of the persons to whom the amount composing such bill or demand is due.

Affidavit as to correctness of itemized bill, required.

4. *And be it enacted*, That any person or persons presenting any such bill or demand, shall make an affidavit that the goods or services itemized in said bill or demand, have been delivered or rendered, and that the same is correct and true, and the clerk of any board of trustees or board of education, is hereby authorized to take said affidavit without cost.

Penalty for approving and paying bill unless the necessary affidavit is attached.

5. *And be it enacted*, That any member of the board of school trustees or board of education, that shall vote to approve and order paid any bill or demand, unless the necessary affidavit is attached, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not to exceed six months, or both, as the court may direct.

6. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXII.

A Supplement to the act entitled "An Act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Township committee to fix by ordinance, compensation to be paid, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township of this state, within thirty days after the organization of the township committee in each year, to fix by ordinance the annual salary and compensation to be paid to each person elected by the people, or appointed by such township committee; to any office in any such township, and the time and manner of the payment thereof; *provided, however*, that the salary of any such officer shall not be increased beyond the amount now fixed by law therefor. Proviso.

Salary or compensation not to be changed.

2. *And be it enacted*, That no salary or compensation, when so fixed by ordinance, shall be changed or altered, except within the time and in the manner prescribed by the first section of this act.

Act not to apply.

3. *And be it enacted*, That this act shall not apply to townships having less than five thousand inhabitants, nor shall it be construed to apply to the salaries of the teachers in any of the public schools of this state.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

New Jersey State Library

CHAPTER CXXXIII.

An Act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and seventy-nine, where work has been performed on said railroads, or money expended thereon.

Time for completing railroad, extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under special acts, shall expire during the year one thousand eight hundred and seventy-nine, such time shall be, and the same hereby is extended for a further period of five years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys or locations of route, or in acquisition of rights of way, or in construction.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXIV.

An Act to establish a fire patrol in villages and townships in this state.

May organize a fire patrol.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever there now exists, or may hereafter be formed, a fire department in any village, town or township in this state, by virtue of any local or

special law, then it shall and may be lawful for such village, town, township and fire department to organize a fire patrol.

Members of patrol shall be members of the fire department.

2. *And be it enacted*, That the members of said fire patrol shall, in all cases, be members of the fire department of such village, town or township; that such patrol shall be, in all respects, subject to the rules and regulations that govern such fire department, and be under the control of the authority governing such fire department.

Duties of fire patrol.

3. *And be it enacted*, That it shall be the duty of such fire patrol to be present at all fires within the limits of such fire department, and take charge of all goods and chattels that may be removed from buildings in consequence of such fire, and keep the same under their care and protection until the same can be delivered to the owner or owners thereof, and that the members of such fire patrol shall, during the continuance of such fire, and until the goods so removed can be delivered to the owner or owners thereof, have the powers of constables, and may arrest, without warrant, any person or persons interfering therewith, and take such person before any justice of the peace of the county where apprehended, to be dealt with according to law.

Rights and privileges.

4. *And be it enacted*, That the members of such patrol shall have the same privileges as the members of such fire department have, shall have the right to vote for officers of such fire department, and shall be exempt from all jury and militia duty, as such firemen are now exempt.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXV.

An Act to support fire organizations in the several incorporated towns in this state.

Authorized to issue bonds and use the proceeds for organizing and maintaining a fire department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, in any incorporated town in this state, having a population of more than three thousand inhabitants by the census of the year one thousand eight hundred and seventy-five, and at present having no regularly organized department for extinguishing of fires, and whose charter or act of incorporation authorizes the organization and maintenance of a fire department, to issue the bonds to an amount not exceeding ten thousand dollars, to be used and the proceeds thereof applied to the purposes of the organization and maintenance of a fire department, and the procuring of fire extinguishing apparatus and forming fire companies, building of suitable houses and furnishing a supply of water for fire purposes as aforesaid; such bonds shall be in sums of one hundred dollars each, or the multiples thereof, and shall

Denomination of bonds and how payable.

be denominated "fire department bonds," and shall be payable, the sum of two thousand five hundred dollars in five years, the sum of two thousand five hundred dollars in seven years, the sum of two thousand five hundred dollars in ten years, and the sum of two thousand five hundred dollars in twelve years, or within such other times, not less than the times above named, as the common council of said town shall authorize and direct; that said bonds shall bear interest not to exceed six per centum per annum, payable semi-annually; that said bonds shall

How executed.

be signed by the president or chairman of the common council of said town, and countersigned by the treasurer thereof, and shall not be sold or negotiated at less than par.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXVI.

An Act to enable incorporated towns in this state to obtain a supply of water from existing city water works.

May contract for supply of water, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council or common council of any incorporated town in this state, shall be, and hereby is authorized from time to time, to contract with the corporation of any incorporated city, having water works, or such authority or board thereof, as may have care and management of such works (which corporation and authority and board are hereby likewise authorized to enter into such contract), for a supply for such town, and the inhabitants thereof, and the works there carried on, of water from such water works, on such terms and conditions, and for such a number of years as the contracting parties may agree upon; and such corporation, authority and board are hereby authorized to make alterations and additions to its said water works and supply pumps, machinery and lay pipes in any place that may be agreed on, and exercise in behalf of such towns all the powers given to such city authority or board for and on behalf of such city, so as to execute the powers hereby given to it and them, and to do like acts in behalf of said towns as it or they may do for and in behalf of said city, and to do any other thing necessary to give effect to and enable it or them to perform such contract on its or their part; all roads or streets in or out of said city may be used to lay pipes in.

Alterations and additions to works authorized.

Authorized to lay supply pipe and erect hydrants.

2. *And be it enacted*, That said town council or common council, shall, after making such contract, have power to construct and acquire the necessary works, pumps, engines, boilers and other requisite machinery to be located in or out of the town which may not be provided for in, or furnished under said contract, and to lay down one main supply pipe running in such direction throughout the town, and as many fire hydrants as may be expedient; *provided*, the total costs necessary to be raised by the sale of the bonds hereinafter provided for, shall not, for each town, exceed five per centum of the assessed value of the real estate, in said town, in the year preceding such issue of bonds; all streets and roads may be used by such town to lay pipes in and put up fire hydrants; all work necessary to be done or materials to be furnished to execute these powers may be done directly by the town or through contractors, who, after reasonable advertisement, shall be deemed to afford the best security for completing the work on the most advantageous terms.

Proviso.

May issue coupon or other bonds

3. *And be it enacted*, That after such contract with such city, corporation, authority or board is made, said town council or common council shall have power, for, and in behalf of the corporate name of said town, to issue coupon bonds, or other bonds, in such sums as the council shall find convenient and necessary, not exceeding in the whole the said one-twentieth of the said total assessed value of the real estate of such town, as such value shall appear by the assessment of the year preceding the issue of such bonds; such bonds shall be payable after a term of years, not less than fifteen years from the year in which they are issued, and shall bear interest not exceeding six per centum per annum, payable semi-annually; said bonds may be disposed of at a rate not less than ninety-five per centum of their par value; the proceeds of the said bonds shall be used exclusively to pay for the costs of the aforesaid works, contracts, pumps, machinery and main pipe which said town is to construct or acquire as aforesaid, and the interest on said bonds shall be raised annually by tax, at the same time and in the same manner, and on the same property which is taxable in said town issuing said bonds as the state tax is raised; and the principal of said bonds shall likewise be raised in the

When payable.

Rate of interest.

Proceeds of bonds, how applied.

same manner, by the same kind of tax raised at one time, or from time to time, as such town council shall see fit, and the real and personal property in such town shall be liable for the payment of said bonds, principal and interest.

Town council to operate and keep works in repair, &c.

4. *And be it enacted*, That after the making of such contract, and after the construction of such works, pumps and machinery, and after the laying down of such main pipe and putting in of fire hydrants, and due and sufficient performance on all sides of such contract to justify such proceedings, the town council or such other public body as may hereafter be charged with the care and management of said works, shall have power to employ men, make contracts and obtain all material necessary to put and keep such works in operation and to keep them in repair, and to lay such distributing pipes and house connections, and to lay such kind of tax as aforesaid in manner aforesaid; to raise money to pay therefor, the said town may supply the water to the inhabitants and to all buildings in such town, at such reasonable rate for the use of such distributing pipes and house connections and supply of water as shall seem expedient, and to collect such rates, and out of such rates to re-imburse the town the money expended for such distributing pipes and house connections, and to make reasonable legal by-laws regulating the use of water, and the collection of such rates as may seem expedient.

Money expended to be re-imbursed out of rates collected.

Repealer.

5. *And be it enacted*, That any local, private or public act, and every part thereof which is repugnant to, or inconsistent with this act, or any act or part of act which can be construed to in anywise alter, affect or control or construe this act, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six [Revision].

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one hundred and twenty-two and one hundred and twenty-four of said act, and which read as follows, to wit:

Section to be amended recited.

"122. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election,	one dollar and fifty cents;
The clerk of election, for each day's service,	three dollars;
Each member of the boards of election, for each day's service,	three dollars;
Each member of any board of county canvassers, for each day's service,	three dollars;
For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court house to his residence:	
The clerk of each county, for advertising any special election,	two dollars;
The clerk of any board of county canvassers, for each day's service,	one dollar and fifty cents;"

"124. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed," be and the same are hereby respectively amended so as to read as follows, to wit:

Section as amended.

122. *And be it enacted*, That the officers named in this section shall be entitled to receive for the services herein mentioned, the fees hereto respectively annexed, and no more, to be paid by the collectors of the counties respectively, in which such service shall be performed; the clerk of each town or township, for advertising such election, one dollar; the clerk of election, for each day's service, two dollars; each member of the board of election, for each day's service, two dollars; providing, that for delivering the ballot boxes to the clerk of the county, the inspector of election who performs that duty shall also be entitled to receive one dollar and fifty cents and five cents per mile from his residence to the office of said county clerk, and no more; each member of any board of county canvassers, for each day's service, two dollars; to the clerk of each county, for advertising any special election, one dollar.

Fees.

Proviso.

Fees of county canvassers and county clerk.

Fees of secretary of state, &c., for notice to county clerk.

124. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto attached, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of the act to which this is a supplement, the sum of twenty-five cents for each notice, and also all postage incurred by

him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for the making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of twenty-five cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties respectively, in which such service shall be performed.

Fees of county clerk.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXIX.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Debts due to the state to be deducted from taxable property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all debts due to the state of New Jersey and secured by mortgages to the school fund and sinking fund shall be deducted from the taxable property of the debtor claiming such deduction; *provided*, that this act shall not apply to any county or counties in this state where by virtue of any public or private acts, the mortgagor or mortgagors are not permitted to deduct from their taxable property the amount due on such mortgage or mortgages.

Proviso.

Approved March 14, 1879.

CHAPTER CXL.

An Act to authorize the erection of city halls in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state having at the last state census less than twenty thousand inhabitants which now owns no city hall in fee and in which there is no building owned by the city suitable for use as a city hall, the mayor and council of such city are hereby authorized and empowered to purchase land and erect a building thereon, suitable for use as a city hall, and to furnish the same; *provided*, that in no case shall the cost of purchasing said land, and erecting and furnishing said building exceed sixty thousand dollars.

Mayor and council authorized to erect a city hall.

Proviso.

2. *And be it enacted*, That such mayor and council may cause said building to be so erected and furnished that portions thereof may be used as an armory by any regiment or company of the national guard of this state, having its headquarters in such city, and other portions as a police station and city prison.

Portion of building may be used as an armory, &c.

3. *And be it enacted*, That to provide the moneys necessary to carry into effect this act, such mayor and council shall have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, bearing interest at a rate not exceeding six per centum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for such payment by taxation.

Moneys necessary may be raised by issuing bonds.

4. *And be it enacted*, That the mayor and council of any such city may instead of purchasing land whereon to erect such building, build such building on any lands belonging to said city, and not used and dedicated as a public street or park, notwithstanding any dedication to any purpose other than as a public street or park.

May erect building on land belonging to city, not dedicated as a public street or park.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLI.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement to the act to which this is a supplement, approved April sixth, one thousand eight hundred and sixty-five, which is in the words following, to wit:

Section to be amended recited.

2. "*And be it enacted*, That it shall be the duty of the clerk of the board to make out and cause such annual statement to be published in the newspapers printed in the county within thirty days after the annual meeting of the board and for every neglect so to do such clerk shall be deemed guilty of a misdemeanor, and shall, on conviction thereof be punished by a fine not exceeding fifty dollars," be and the same is hereby amended to read and be in the words following, to wit:

Section as amended.

2. *And be it enacted*, That it shall be the duty of the county collector to make out and cause such annual statement to be published in such of the newspapers, not less than two, printed in the county, as the board shall designate, within thirty days after the annual meeting of the board, which papers shall be those of the largest circulation and not more than half the number selected shall be of one political party; and for every neglect so to do such county collector shall be deemed guilty of a misdemeanor,

County collector to make and publish annual statement.

and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars; *provided*, this act shall not apply to counties where the annual statement is published in pamphlet form according to law. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLII.

A Supplement to an act entitled "A supplement to an act entitled 'An act to regulate the manufacture and sale of fertilizers,'" approved March twenty-seventh, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amendment contained in the first section of the act to which this is a supplement, which amendment now reads as follows:

"5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act, or the act to which this act is a supplement, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence; *provided further*, that the provisions of this section or the act to which this is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, nor to any imported guanos," be and the same is hereby amended so as to read as follows: Section to be amended recited.

5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act or the act to which this act is a supplement, or with an Section as amended.

analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence, to any person who shall hereafter purchase the same for his own use or benefit and will sue for the same and also the costs of said suit; *provided further*, that the provisions of this section or the act to which this act is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, or to any special contract made between the buyer and seller.

Penalty.

Proviso.

Approved March 14, 1879.

CHAPTER CXLIII.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for giving or receiving bribe, present, or reward for giving out the printing of blanks, &c., or any other printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall directly or indirectly give, or receive, or promise, contract or agree to give, or receive, any sum or sums of money, or any goods, chattels, gift, lands or real estate, or any other thing, bribe, present or reward whatsoever, for, or to obtain, or for giving out the printing of blanks, notices, advertisements, or any other printing, or for, or to obtain, or for giving out any other work or thing, connected with, or in or appertaining to, any office or department of this state, or any office or department in any county, city, town, township, borough, or other place in this state, shall be guilty of a misdemeanor, and on conviction thereof, shall, for every such offence, be liable to a fine not exceeding three hundred dollars, or suffer imprisonment at

hard labor not exceeding one year, or both, at the discretion of the court.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 14, 1879.

CHAPTER CXLIV.

An Act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year.

Amount of money authorized to be expended in any one year by boards of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purposes aforesaid the sum of ten thousand dollars in any one year and no more.

Term of proposed contract to be submitted to board of aldermen or other governing body for approval.

2. *And be it enacted*, That hereafter in all such cities the boards of education shall before the contract for any such purchase of land, or for the building of any such school building, or for altering, furnishing or fitting up any building for school purposes, the expense of which will exceed five hundred dollars, shall be made, submit the terms of the proposed contract to the board of aldermen, common council or other governing body of such city, as the case may be, with a detailed statement of the amount proposed to be expended under the same, and such board of aldermen, common council or other governing body in such city, may, if such proposed contract or contracts shall be approved by a majority vote, order the same to

Appropriation, how made.

be executed, and thereupon shall appropriate, from time to time, such sum or sums of money as may be required by any such board of education for the fulfilment of such contract or contracts.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act (including so much of the act entitled "An act to provide for the more efficient government of the city of Paterson," as is inconsistent herewith) be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLV.

A Supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five, and to an act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Organization of new corporation when to be construed as effected in law, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the organization of any new corporation contemplated by either of said acts, which shall be or shall have heretofore been made or sought to be made by the meeting together of the purchaser or purchasers and their associates, not less than fifteen in number, of the franchises and property of any railroad, canal, turnpike, bridge or plank road corporation, and the election by them of a president and board of directors, the adoption of a corporate name and corporate seal, the determination of the amount of the capital stock thereof,

and the filing of a certificate of such organization in the office of secretary of state, shall be and shall be construed to be effectual in law for the formation and constitution of such new corporation, anything in the said first mentioned act, entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," to the contrary notwithstanding; and no other persons shall be taken or regarded to be meant or intended by the following words therein, that is to say, "the person or persons for or on whose account such railroad, canal, turnpike or plank road may be purchased," than such purchaser or purchasers and their said associates.

Certificate of organization, how amended and corrected.

2. *And be it enacted*, That if there shall be any error or mistake in any statement contained in the certificate of organization of any such new corporation now or hereafter filed in the office of the secretary of state, it shall be lawful for the court of chancery, on petition filed therein for that purpose by such new corporation or any officer thereof, or any person having interest therein, to order the amendment and correction thereof, and said amendment shall thereupon be made by said secretary of state in the original certificate, which shall thereafter be taken and certified to read as so amended.

Error in notice of meeting for organization not to impair validity, &c.,

3. *And be it enacted*, That no error or mistake in the giving of public notice of the time or place of meeting for the organization of any such new corporation, shall be held or construed in anywise to impair or affect the validity or existence thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLVI.

An Act to define the rights of railroad corporations as to the use of their lands lying opposite and across streets and highways.

Authorized to construct tracks across street or highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad corporation chartered by or authorized to exercise its franchises within this state, which now owns or possesses as lessees or otherwise, lots or parcels of lands lying opposite to each other, across, and each fronting upon any street or public highway, it is, and shall be lawful for such corporation to construct their tracks across such street or highway and to use the same for all purposes of transportation;

Proviso.

provided, that nothing herein contained shall be construed to enable such corporation to interfere with or to change the grade of such street or highway, or to prevent or unnecessarily impede the use thereof for ordinary travel.

Repealer.

2. *And be it enacted*, That any acts or parts of acts inconsistent herewith are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLVII.

An Act to prohibit imprisonment for default in payment of taxes on real estate.

Preamble.

WHEREAS, it has been held by the court of errors and appeals that taxes duly assessed for and on account of real property are not necessarily first liens thereon, but are to be deferred to mortgages which have been made upon such property previously to the assessment of such taxes thereon; *and whereas*, the equity of redemption or legal title to real property to a very large extent is vested in persons who, by reason of the depreciation in value of such property, or other misfortunes, are unable to pay the taxes thereon; *and whereas*, constables and other officers charged with the collection of taxes, finding it impossible to collect the same from owners who cannot pay, and from mortgagees who will not pay may obtain warrants for the imprisonment of the bodies of such owners so delinquent, under and by virtue of section eighteen of an act concerning taxes [Revision of Statutes of New Jersey, page 1142], to the great hardship, suffering and disgrace of such owners and their families, and to the discredit of this state; therefore,

Arrest and imprisonment for the collection of taxes, abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no warrant shall be issued by any justice of the peace or other officer of this state, to any constable or other officer directing or authorizing the arrest or imprisonment of any person for or on account of any default or delinquency in the payment of taxes on real estate; but nothing in this act shall be construed to affect or in any wise to abridge or impair any provision other than arrest and imprisonment, for the collection of taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLVIII.

An Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and seventy-nine.

State treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the State of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz:

Item No. 1. To A. H. Rickey, for furnishing parchments and preparing oaths of members and officers of the senate and general assembly, fifty dollars, $50 00

Item No. 2. To W. H. C. Murphy, for brushes, brooms, matches and other incidentals for the house of assembly, seventy-six dollars and thirty-five cents, 76 35

Item No. 3. To Henry R. Mayer, for two tables and repairing chairs, &c., for the house of assembly, twenty-five dollars, 25 00

Item No. 4. To John L. Murphy, for stationery furnished to the secretary of the senate, one hundred and thirteen dollars and thirty-five cents, 113 35

Item No. 5. To John L. Murphy, for stationery furnished to the senate by order of the president of the senate, thirty dollars and seventy cents, 30 70

Item No. 6. To R. J. B. Slack, for services as secretary to the committee on incidental expenses, for the year one thousand eight hundred and seventy-nine, fifty dollars, 50 00

Item No. 7. To R. J. B. Slack, for amount paid to newspapers for advertising notice of in-

cidental expenses committee, for the year one thousand eight hundred and seventy-nine, five dollars and seventy-five cents, 5 75

Item No. 8. To each of the clergy who rendered services in opening the sessions of the legislature with prayer, during the year one thousand eight hundred and seventy-nine, ten dollars,

Item No. 9. To Ellen Meley, for cleaning senate and assembly chambers and committee rooms, during the session of one thousand eight hundred and seventy-nine, two hundred dollars, 200 00

Item No. 10. To Martha Kuhn, for washing towels for the house of assembly, twenty-five dollars, 25 00

Item No. 12. To David M. Campbell, for services in attending electrical gas machine in the senate chamber and house of assembly during the session of one thousand eight hundred and seventy-nine, one hundred dollars, 100 00

Item No. 13. To John Simpson, for washing spittoons for the senate and house of assembly, and washing and keeping clean the closets, in house of assembly, one hundred and twenty dollars, 120 00

Item No. 14. To William Shields, for services rendered as clerk to the committee of the house of assembly on engrossed bills, five hundred dollars, 500 00

Item No. 15. To George D. Bower, for extra services in the bill room of the house of assembly, in addition to the compensation allowed him for services as page during the session of one thousand eight hundred and seventy-nine, one hundred dollars, 100 00

Item No. 16. To William H. Brown, for services in opening the house of Assembly, session of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 17. To James Irwin, William Gallagher, John Mackey, Joseph C. Patterson, Richard Harris, John McIlroy, John Sheridan, and

James O'Brien, for services as pages opening house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars each, amounting to eighty dollars, 80 00

Item No. 18. To John C. Cole and Charles Fuhrmann, for services as keepers of galleries of the house of assembly at the opening of the session of one thousand eight hundred and seventy-nine, ten dollars each, twenty dollars, 20 00

Item No. 19. To Walter T. Hutchinson, for services at opening of the house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 20. To Joseph C. Patterson, for services as page in the senate at opening of the session of one thousand eight hundred and seventy-eight, ten dollars, 10 00

Item No. 21. To Charles M. Jameson, John Simerson, Thomas G. Bunnell, George W. Beatty, Addis Hayes, John A. McCutcheon, David A. Bell, William W. Fanchild, Franklin Ellis, Bernard Connelly, Patrick McGinness, for services at opening of the senate session of one thousand eight hundred and seventy-nine, ten dollars each, 110 00

Item No. 22. To Austin H. Patterson, John A. McGrath, Samuel E. Perry, Charles S. Lawson, Christopher Kelley, for services at opening of the house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars each, 50 00

Item No. 23. To John P. Lansing and R. J. B. Slack, for services rendered the joint committee on state treasurer's accounts for the year one thousand eight hundred and seventy-seven, as approved by said committee, one hundred dollars each, 200 00

Item No. 24. To Edwin Sutphin, for one carriage for committee on industrial school for girls, by order of the chairman, four dollars, 4 00

Item No. 25. To William Pippen, for two

carriages for committee on industrial school for girls, by order of chairman, eight dollars, 8 00

Item No. 26. To John L. Murphy, for stationery furnished for the speaker of the house of assembly, thirty-three dollars and forty cents, 33 40

Item No. 27. To John L. Murphy, for stationery furnished for the clerk of the house of assembly, one hundred and three dollars and ninety-five cents, 103 95

Item No. 28. To James C. Filor and Company for stationery furnished for the house of assembly, five hundred and ninety-seven dollars and sixty-nine cents, 597 69

Item No. 29. To Naar, Day and Naar, for stationery furnished for opening the house of assembly, session of one thousand eight hundred and seventy-nine, by order of Austin H. Patterson clerk, one hundred and six dollars, 106 00

Item No. 30. To Naar, Day and Naar, for stationery furnished for the opening of the senate, session of one thousand eight hundred and seventy-nine, sixty-nine dollars, 69 00

Item No. 31. To Alpaugh & Thompson, for stationery furnished for A. H. Patterson, after adjournment of the legislature, session of one thousand eight hundred and seventy-eight, eleven dollars and sixty-five cents, 11 65

Item No. 32. To Joseph Meeks, for expenses incurred in contested election case, Meeks v. Wellman, five hundred dollars, 500 00

Item No. 33. Charles H. Wellman, for expenses incurred in contested election case, Wellman v. Meeks, five hundred dollars, 500 00

Item No. 34. To George C. Wynkoop, for extra services as engrossing clerk of the house of assembly, one hundred dollars, 100 00

Item No. 35. To Thomas B. Starr, for services rendered as assistant engrossing clerk of the house of assembly, two hundred dollars, 200 00

Item No. 36. To Ellen Meley, for services rendered in cleaning chambers of the senate and assembly and committee rooms for the

session of one thousand eight hundred and seventy-eight, one hundred dollars, 100 00

Item No. 37. To C. A. S. Hutchinson, and to each of the other pages of the senate of eighteen hundred and seventy-eight for services; for services as pages in opening of the senate session of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 38. To William Dickey, Oscar Johnson and George Timball, for extra services as pages in the house of assembly, each fifty dollars, 150 00

Item No. 39. To Abraham McKeon, for services as journal clerk of the senate (at special session) during the year one thousand eight hundred and seventy-seven, ten dollars, 10 00

Item No. 40. To Alpaugh & Thompson, for balance due for journals furnished the senate for the year one thousand eight hundred and seventy-eight, one hundred and thirty-two dollars, 132 00

Item No. 41. To John L. Murphy, for stationery furnished engrossing clerk of the senate, two hundred and eight dollars and fifteen cents, 208 15

Item No. 42. To John L. Murphy, for stationery furnished clerk to committee on engrossed bills of the house of assembly, fifty-one dollars and fifteen cents, 51 15

Item No. 43. To John L. Murphy, for wrapping paper, bill files, envelopes, brushes, rubber bands, &c., furnished to the sergeant-at-arms of the house of assembly, two hundred and sixteen dollars and twenty-five cents, 216 25

Item No. 44. To John L. Murphy, for stationery furnished the engrossing clerk of the house of assembly, two hundred and fifty-nine dollars and ninety-five cents, 259 95

Item No. 45. To James O'Brien and Lionel Holmes, for services as extra pages, two hundred dollars each, 400 00

Item No. 46. To C. O. Cooper, extra services as clerk of the house, two hundred dollars, 200 00

Item No. 47. To J. Herbert Potts and Andrew M. Clarke, assistant clerk and journal clerk of this house, for extra services, each one hundred and fifty dollars, 300 00

Item No. 48. To John Fell, for extra services as sergeant-at-arms of the house of assembly, one hundred dollars, 100 00

Item No. 49. To John A. Brown, assistant sergeant-at-arms of assembly, for extra services, fifty dollars, 50 00

Item No. 50. To Ivins and Lalor, for carriages furnished committee on lunatic asylum, for extra services, seven dollars, 7 00

Item No. 51. To William B. Milford and Daniel Kilbourne, keepers of galleries, for extra services, fifty dollars each, 100 00

Item No. 52. To David A. Bell, for services rendered as president's private secretary at the opening of the senate of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 61. To Lewis S. Williams, for services as assistant to engrossing clerk of the senate, one hundred and fifty dollars, 150 00

Item No. 62. George W. Shreve, Silas P. Genung, Charles Robinson, Henry Schenk, for extra services as doorkeepers of the senate, fifty dollars each, 200 00

Item No. 63. N. W. Voorhees, for extra services as secretary of the senate, two hundred dollars, 200 00

Item No. 64. William Cloke, assistant secretary, one hundred and fifty dollars. 150 00

Item No. 65. F. F. Patterson, engrossing clerk, one hundred dollars, 100 00

Item No. 66. L. L. Mulford, sergeant-at-arms, one hundred dollars, 100 00

Item No. 67. W. J. Bruce, president's private secretary, one hundred and fifty dollars, 150 00

Item No. 68. A. S. Barber, journal clerk, one hundred and fifty dollars, 150 00

Item No. 69. Peter I. Ten Broek, assistant sergeant-at-arms, fifty dollars, 50 00

Item No. 70. To W. H. C. Murphy, for one gross parlor matches for house of assembly, 3 00

Item No. 71 To George F. Dudley, for stationery, rubber bands, paste, bill-files, ink-wipers, &c., &c., furnished to the sergeant-at-arms for the use of the senate, one hundred and fifty-six dollars and ninety cents, 156 90

Item No. 72. To W. H. C. Murphy, for waiter, chair, pitcher, tumblers, letter-box, brushes and combs, &c., thirty-one dollars and fifty cents, 31 50

Item No. 73. To Anna Whaling, for washing towels for the senate, twenty-five dollars, 25 00

Item No. 74. To Lambert L. Mulford, for serving senate subpœnas in contested election case, twenty-five dollars, 25 00

Item No. 75. To Alden C. Scovel, for services and expenses in contested election case of the senator of Camden county, two hundred and fifty dollars, 250 00

Item No. 76. To William A. Smith for witness fees and services in producing ballot-box, and expenses in contested election case of Marsh and Phillips in 1878, thirty dollars, 30 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXLIX.

An Act to protect the honey industry.

Preamble. WHEREAS, The production of honey is an honest and honorable industry of respectable and fast growing importance in this state, the entire proceeds of which is clear gain to the state; *and whereas*, adulterations with inferior sweets, not gathered by bees, are manufactured and sold under the name of honey, to the

great injury of the industry and to the deception of the consumer, if not to the injury of his health; therefore,

Printed or written label or brand to be affixed to package or vessel containing any article or substance of the semblance of honey and not the product of the hive.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person or persons who shall manufacture, sell or cause to be sold any article or substance having the semblance of honey, and yet not the real product of the hive, whether in shape of liquid or comb honey, shall to each package or vessel of such manufactured article or substance, affix on the outside the package in a conspicuous place, a distinct printed or written label or brand stating that it is a mixture, and naming the constituent elements used, whether glucose, grape sugar or other adulterant; and every sale of such article or substance not so branded, marked or labelled is declared to be unlawful, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so branded, marked or labelled.

Penalty imposed, and how sued for.

2. *And be it enacted*, That every person who shall knowingly sell, or offer to sell, or have in his or her possession with intent to sell, contrary to the provision of this act, any of the said article or substance required by the first section of this act to be branded, marked or labelled, as therein stated, not so branded, marked or labelled, shall for each such offence forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof, in an action to be prosecuted by the district attorney in the name of the people, and one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty for offering or exposing for sale.

3. *And be it enacted*, That every person who shall knowingly sell, or offer, or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale any article or substance required by the first section of this act to be branded, marked or labelled, not so branded, marked or labelled, shall be guilty of a misdemeanor, and on trial for such misdemeanor, or proof of the sale, or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so

sold or offered, and that the same was not branded, marked or labelled as required by this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CL.

An Act to provide for additional compensation to the secretary of the speaker of the house of assembly.

Preamble.

WHEREAS, in the act to defray the incidental expenses of the state of New Jersey, the name of the secretary of the speaker of the house of assembly was inadvertently omitted;

Amount of additional compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay upon the warrant of the comptroller to the secretary of the speaker of the house of assembly of the present session an additional compensation for extra services rendered, the sum of one hundred and fifty dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLI.

A Supplement to an act entitled "An act defining the power of public road boards in the macadamizing of public roads and avenues in this state," approved February fourth, one thousand eight hundred and seventy-nine.

Costs and expenses, how assessed and paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the costs and expenses of macadamizing public roads or avenues under the control of any public road board of this state, shall be assessed and paid in the same manner as now provided by law in respect to the laying out, opening and constructing of avenues under the laws constituting and regulating such public road board.

Repealer.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 14, 1879.

CHAPTER CLII.

An Act relative to police justices in this state.

Police justice may designate and appoint a justice of the peace to act in his stead during temporary absence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any police justice in this state, may, in case of his temporary absence from the police court, or inability from any cause to act therein, designate and appoint a justice of the peace to act in his stead, and such justice of the peace while so acting, shall

have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred or given to said police justice.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 14, 1879.

CHAPTER CLIII.

A Further Supplement to "An act to reorganize the courts of law," approved February ninth, one thousand eight hundred and fifty-five.

Law judge may accept plea, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the law judge in any county acting under the provisions of the act to which this is a supplement, to receive any plea of such person as may come before him charged with any offence cognizable in such court, without calling in any lay judge or judges to act in the matter if such law judge shall see fit so to do.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLIV.

Supplement to an act entitled "An act to incorporate rifle associations, and for the promotion of marksmanship and the skillful use of firearms among the militia and citizens of this state," approved February seventh, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to incorporate rifle associations and for the promotion of marksmanship among the militia and citizens of this state," approved February seventh, one thousand eight hundred and seventy-eight, be amended so that the same shall read as follows: Section to be amended.

6. *And be it enacted*, That the sole and exclusive object of such corporations under this act shall be the maintenance of rifle ranges, club houses and places of resort necessary or appropriate to the practice and improvement of their members in rifle shooting and the skillful use of fire arms, and the improvement of their members by such other means as may be appropriate to the object for which they are respectively organized; *provided*, that gambling and betting at, in or about any range, club house or other place of resort, established or maintained by any such association, are hereby absolutely prohibited and forbidden, and the sale of intoxicating liquors is forbidden at such times as the range or other places of resort may be occupied by the members of the national guard for drill, instruction for practice, and any violation of this provision by any member of such association shall be taken and deemed to work a forfeiture of all rights and privileges of any member so violating or permitting the violation of this provision; *and provided further*, that any member who shall be expelled from such association on account of his or their violation of the foregoing provi- Section as amended. Object. Proviso. Proviso.

sions shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLV.

A Supplement to an act entitled "An act fixing the compensation of certain public officers of this state."

Preamble.

WHEREAS, the assistance now furnished the state librarian is insufficient to perform the clerical work, owing to the increased size and continual rapid growth of the state library; therefore,

Librarian authorized to employ assistants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian be and he is hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of seven hundred and fifty dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLVI.

A Supplement to the "Act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for wilfully or fraudulently converting or withholding trust funds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person acting as executor, administrator, trustee or guardian, appointed by any will, deed or other written instrument, or by the judgment, order or decree of any court in this state, shall wilfully or fraudulently convert to his own use, or take, make away with, or secrete with intent to convert to his own use, or shall fraudulently withhold any money, goods, property rights in action, or other valuable security or effects whatever, belonging to the estate or person or persons for whose benefit, or in whose behalf, such executor, administrator, trustee or guardian may have been appointed, and which shall have come into his possession, or under his care and control, by virtue of said trust, employment or office, he shall be adjudged guilty of embezzlement, and shall, upon conviction, be punished by a fine of not more than one thousand dollars or imprisonment not to exceed five years, or both, in the discretion of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLVII.

Supplement to an act entitled "An act to regulate the practice of pharmacy," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, which reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of January, one thousand eight hundred and seventy-eight, it shall be unlawful for any person or persons to open or conduct any pharmacy or store for retailing, dispensing or compounding drugs or medicines, unless such person shall be, or shall employ and place in charge of such pharmacy or store, a registered pharmacist, within the meaning of this act; and every pharmacy or store kept open for the retailing, dispensing and compounding of medicines, shall be under the direct personal care and management of a registered pharmacist," be amended so that the same shall read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person other than a registered pharmacist to retail, compound or dispense medicines or poisons, or to open or conduct any pharmacy or store for retailing, dispensing or compounding drugs or medicines, unless such person shall be or shall employ and place in charge of said pharmacy or store a registered pharmacist, within the meaning of this act.

2. *And be it enacted*, That the fourth section of the act to which this is a supplement and which reads as follows:

Section to be amended recited.

"4. *And be it enacted*, That it shall be the duty of the board of pharmacy to examine all applications for registration, to grant certificates of registration to such persons

as may be entitled to the same under the direct provisions of this act, and to such others as it shall judge on examination, to be properly qualified to practice pharmacy, to cause the prosecution of all persons violating the provisions of this act, and to report annually, to the governor, on the condition of pharmacy in the state; it shall meet at least once in three months, shall elect a president, a secretary and treasurer, and shall have power to make by-laws for the proper fulfilment of its duties under this act; it shall keep a book of registration open at each county seat in the state, and shall give notice, by advertising in at least one newspaper in each county, of the time and place in said county seat, when and where such book shall be accessible and for what purpose kept," be amended so that the same shall read as follows:

Section as amended.

4. *And be it enacted*, That it shall be the duty of the board of pharmacy to examine all applications for registration; to grant certificate of registration to such persons as may be entitled to the same, under the provisions of this act, and to such others as it shall judge on examination to be properly qualified to practice pharmacy; to cause the prosecution of all persons violating the provisions of this act, and to report, annually, to the governor on the condition of pharmacy in the state, which report shall embrace a detailed statement of receipts and expenditures; it shall meet at least once in three months, alternately in the cities of Paterson, Newark, Trenton and Camden; shall give thirty days' notice of the time and place of such meetings; shall elect a president, a secretary and treasurer; shall have power to make by-laws for the proper fulfilment of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act.

Amendment.

Amendment.

3. *And be it enacted*, That the sixth section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"6. *And be it enacted*, That all persons who, subsequent to the passage of this act, shall purpose to establish a pharmacy or store within this state, for the dispensing and compounding of physicians' prescriptions, or for the retailing of medicines, shall, previous to the opening of the same to the public, appear before or apply to said

board of pharmacy for registration, and if after examination by said board, in its judgment qualified to practice pharmacy, such person shall, on the payment of five dollars, receive from said board a certificate of registration; *provided*, that nothing in this act contained, shall affect or apply to any person who holds a diploma from any regularly incorporated college or institute of pharmacy, or from a regularly chartered medical college or university," be amended so that the same shall read as follows:

Section as amended.

6. *And be it enacted*, That all persons who, subsequent to the passage of this act, shall purpose to establish a pharmacy or store within this state, for the dispensing and compounding of physicians' prescriptions, or for the retailing of medicines, shall, previous to the opening of the same to the public, appear before or apply to said

Amendment.

board of pharmacy for registration; every person so applying for registration under this act, shall at the time of making such application, pay to the treasurer of the board of pharmacy an examination fee of five dollars, and upon passing an examination satisfactory to said board, such person shall without further fee, receive from

Proviso.

said board a certificate of registration; *provided*, that if any person so examined, shall at the first trial fail to pass a satisfactory examination, such person shall be entitled to a second examination without any additional fee, at any time not later than six months from his first

Proviso.

examination; *and provided further*, that any person holding a diploma from any regularly incorporated college or institute of pharmacy shall be entitled to a certificate of registration, without examination by said board, the fee for which certificate shall be fixed by said board, but the same shall in no case be fixed at a sum higher than two dollars.

4. *And be it enacted*, That the seventh section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"7. *And be it enacted*, That the members of said board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the receipts of fees and penalties collected under the provisions of this act; and that all moneys received by the said board by

virtue of the act empowering it to levy and collect contributions, and prosecute for and recover penalties, shall be paid into the treasury of the county in which the said moneys may be collected, and that the bills for the services of the said board in said county shall be audited and paid by the treasurer of said county; the balance, if any, after the payment of said bills, shall be added to the general fund of the county," be amended so that the same shall read as follows:

Section as amended.

7. *And be it enacted*, That the members of said board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the receipts of fees and penalties collected under the provisions of this act; and that all moneys received by the said board by virtue of this act, in excess of said per diem allowance, and of the necessary expenses of the said board, be paid to the treasurer of the New Jersey State Pharmaceutical Association annually at their annual meeting, to whom at such meeting, said board shall render account of all moneys received by them pursuant to this act, whether there be any excess as aforesaid or not.

Amendment.

Repealer.

5. *And be it enacted*, That the fifth section of the act to which this is a supplement, be and the same is hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLVIII.

An Act for the further protection of fisheries.

Commissioners may designate suitable person to act as deputy fish warden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state wherein any fishery is located, the fish commissioners of the state may, on the application of any owner or owners, lessee or lessees of such fishery, designate a suitable per-

son to act as deputy fish warden for such time as the said commissioners shall specify, and that such deputy, when so appointed, shall have all the authority now or hereafter to be conferred upon fish wardens for enforcing the provisions of the laws of this state regulating fishing; *provided*, that such deputies, when appointed as herein provided, shall not be entitled to or receive any compensation for their services as deputy wardens from the state, but may accept such compensation as may be agreed upon between them and the party or parties in whose behalf they may act.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLIX.

An Act to amend an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to incorporate trustees of religious societies" [Revision] approved April ninth, one thousand eight hundred and seventy-five, which now reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every religious society or congregation of christians entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling by an

advertisement set up in open view at or near such place of meeting; when so assembled may by plurality of voices of such of the said society or congregation as are present, elect any number of said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume agreeably to the directions of this act," be and the same is hereby amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That every religious society or congregation of christians entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling by an advertisement set up in open view at or near such place of meeting; when so assembled may by plurality of voices of such of the members of said society or congregation who regularly contribute to the support of such society or congregation, male and female over twenty-one years of age, as are present, elect any number of said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume, agreeably to the directions of this act.

Election of trustees.

Approved March 14, 1879.

CHAPTER CLX.

An Act to amend an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine, and which section reads as follows:

Section to be amended recited.

"9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth, fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton Square, Chambersburg and sixth ward of Trenton," be and the same is hereby amended so as to read as follows:

9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton, the borough of Chambersburg and sixth ward of Trenton. Section as amended.

2. *And be it enacted*, That this act shall take effect immediately, and shall be a public act.

Approved March 14, 1879.

CHAPTER CLXI.

An Act relative to incorporated schuetzen associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of any schuetzen association incorporated under the laws of the state of New Jersey, may, by a vote of the board of directors or trustees of such association, be divided into shares of ten dollars each for all stock that may hereafter be issued by any such association; and any shareholder of any such association owning shares to an amount of fifty dollars, or more, may be elected a director thereof, and that each shareholder of stock issued under this act shall be entitled to one vote at any election for officers or directors of said association, and each holder of a share or shares of fifty dollars each heretofore issued under existing laws, shall be entitled to one vote for each ten dollars represented by the shares so held by him. Division of capital stock into shares of ten dollars each authorized. Each ten dollars stock to be represented by one vote.

2. *And be it enacted*, That all general, public, private, local or special laws inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 14, 1879.

CHAPTER CLXII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," of the revised laws of April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons residing in this state, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a chairman and secretary by a vote of a majority of the persons present at the meeting and proceed to form an association, by determining on a corporate name by which the association shall be called and known, and the number of trustees to manage the concerns of the association, which number shall not be less than six nor more than twelve, and thereupon may proceed to elect by ballot the number of trustees so determined on; and the chairman and secretary shall immediately after such election divide the trustees by lot into three classes, those of the first class to hold their office one year; those in the second class two years; and those in the third class three years; but the trustees of each class may be re-elected, if they shall possess the qualification hereinafter mentioned; the meeting shall also determine on what day in each year the future annual elections of trustees shall be held," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons residing in this state, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or a place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a chairman and secretary by the vote of a majority of the persons present at the meeting, and proceed to form an association by determining on a corporate name by which the association shall be called and known, and the number of trustees to manage the concerns of the association, which number shall not be less than three nor more than twelve, and thereupon may proceed to elect by ballot the number of trustees so determined on; and the chairman and secretary shall immediately after such election divide the trustees by lot into three classes; those of the first class to hold their office one year; those of the second class two years; and those of the third class three years; but the trustees of each class may be re-elected if they shall possess the qualifications hereinafter mentioned; the meeting shall also determine on what day in each year the future annual elections of trustees shall be held; and that any association now existing or that shall hereafter exist, under and by virtue of this act may by ballot change its present number of trustees to any number not exceeding twelve or less than three at any annual meeting, and that the chairman and secretary shall then make out a re-classification according to the requirements of this section of this act, and at the next subsequent election those trustees in the first class of the re-classification shall be elected, and subsequent elections shall conform to such re-classification, but no trustee shall be deemed out of his office till the term for which he was elected shall have expired, except by death, resignation or removal out of the state, in which last event his trusteeship shall be deemed terminated; and for the purpose of electing trustees at any meeting after organization of the association, every creditor of such association in addition to his right to vote by virtue of his owning plats or lots according to section five of this act, shall be entitled to one vote for every four hundred

Section as amended.

Mode of forming an association.

Election of trustees.

Term of office.

Number of trustees may be changed.

Who may vote.

dollars' worth at par value of bonds, stock or other duly authorized evidences of debt he or she may own and hold against such association.

Approved March 14, 1879.

CHAPTER CLXIII.

An Act to authorize cities to establish and maintain free public libraries and reading rooms.

Common Council empowered to establish a public library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of each incorporated city of this state shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not more than one-fifth of one mill on the dollar annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund."

Appointment of board of directors.

2. *And be it enacted*, That when any such common council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of its common council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office.

Term of office of directors.

3. *And be it enacted*, That said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years, from the first day of July following their appointment, and annually thereafter the mayor of said city shall, before the first day of July of each year, appoint three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed; the mayor may,

by and with the consent of the common council, remove any director for misconduct or neglect of duty.

Vacancies, how filled.

4. *And be it enacted*, That vacancies in the board of directors from any cause, shall be filled by the mayor, and no director shall, as such, receive any compensation.

Election of president and other officers.

5. *And be it enacted*, That said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary; they shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act; they shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose; *provided*, that all moneys received for such library shall be deposited in the treasury of said city, to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the said board of directors; said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall have power to remove such appointees, and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

Powers of the directors.

Proviso.

Library and reading room to be free to the inhabitants of city where located.

6. *And be it enacted*, That every library and reading room established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading rooms any and all persons who shall wilfully violate such rules; and said board may extend the privileges and use of such

library and reading room to persons residing outside of such city, in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe.

Directors to make an annual report to the Common Council,

7. *And be it enacted*, That the said board of directors shall make, on or before the second Monday in June, an annual report to the common council of said city, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund, and from other sources, and how such moneys have been expended, and for what purpose, the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of visitors attending, the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest; all such portions of said report as relate to the receipt and expenditure of money shall be verified by affidavit.

Report to be verified.

Common Council may pass ordinances for imposing penalties, &c.

8. *And be it enacted*, That the common council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or property thereof, and for injury to or failure to return any book belonging to such library, and said penalty may be enforced by rules adopted by the board of directors for that purpose, and in any manner provided in the charter of said city for the enforcement of other penalties for violation of ordinances.

Donations of money or property, how vested

9. *And be it enacted*, That any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right, and is empowered to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

Copy of the laws, &c., to be furnished by the State.

10. *And be it enacted*, That every public library established under the provisions of this act, shall be entitled to receive, for the use of such library, a copy of the laws,

journals, reports, and other works published by the authority of this state.

Approved March 14, 1879.

CHAPTER CLXIV.

A Supplement to the act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Certificate of organization and corporation how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the members of any religious denomination, church or sect in this state which has no conference, assembly, synod or other legislative meeting, desire to found any institution in this state, the object of which shall be the promotion of learning, or to conduct and maintain any such institution already founded, the present owners and managers of which shall desire the same to be so conducted and maintained, any number of such members of such denomination, church or sect, not less than nine and not exceeding twenty-seven in number, shall meet at a time and place previously agreed upon, and when so met the said members, or not less than nine of them, may proceed to adopt a corporate name and to sign a certificate, which certificate shall contain a statement as to the following particulars:

Certificate.

I. The name and residence of each signer;

II. The name or appellation of the church, sect, or denomination with which the signers are connected;

III. The location of the institution proposed to be founded, or if already founded, a statement of that fact and its location;

IV. The general purposes of the institution;

V. The proposed name of said institution;

VI. The proposed name of the corporation;

Certificate to be acknowledged and recorded in office of County Clerk.

And after the said certificate is so signed the execution thereof shall be acknowledged before some person or persons authorized by the laws of the state of New Jersey to take the acknowledgments of deeds, and after being so acknowledged shall be recorded in the office of the clerk of the county wherein such institution is, or is proposed to be located, for which such clerk shall be entitled to the sum of one dollar, and after being so recorded by him shall be filed in the office of the secretary of state, for which such secretary shall be entitled to charge the sum of fifty cents, and thereupon the said persons so signing such certificate shall be and are hereby constituted a body corporate with powers to sue and be sued, to adopt a common seal, to make by-laws for their government and regulation, and shall have all the rights and powers, and be subject to all the liabilities of the corporations created by the act to which this is a supplement, so far as the same do not contravene the provisions of this act.

General power.

Deed of conveyance.

2. *And be it enacted*, That the present owners of any such institution, who shall desire the same to pass under the management and control of any corporation created under this act, may, by deed of conveyance, convey the same to such corporation, who shall hold the same in accordance with the terms of such deed of conveyance.

Vacancies, how filled.

3. *And be it enacted*, That for perpetuating a line of succession in said corporation whenever any vacancy shall happen by reason of the death, resignation or removal from the state of any of the members of said corporation, the remaining members may, by a majority vote of the whole number of members, elect any member of such church, sect or denomination, residing in this state, to fill the place of such member so deceased, resigned, or removed from the state.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXV.

A Supplement to an act respecting the court of chancery [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act to which this is a supplement, which section reads as follows:

Section to be amended recited.

"17. *And be it enacted*, That if the complainant reside out of this state, he shall, before issuing a process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant, in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor, who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court; and if the said bill and process be signed by the complainant, and not by any solicitor, then the said suit shall be stayed till such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed, with costs," be amended to read as follows:

Section as amended.

Bond to be given if complainant is a non-resident

17. *And be it enacted*, That if the complainant reside out of this state, he shall, before the issuing of a process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant, in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor,

who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court, to an amount not exceeding the penalty of said bond, and whether the said bill and process be signed by the complainant or his solicitor, then the said suit shall be stayed till such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed, with costs.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXVI.

A Supplement to an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six.

Justice of the Supreme Court may on application direct proceedings to be removed out of Justices Court into Circuit Court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That at any time after a summons has been issued according to the eighth section of the act to which this is a supplement, and before the return thereof, either the party, plaintiff or party defendant may apply to a justice of the supreme court, who, if he shall deem the case of sufficient importance, may issue an order under his hand directing the said justice of the peace to file forthwith the said complaint, and all the other papers appertaining to the proceedings, in the office of the clerk of the circuit court of the county in which said proceedings were commenced, and thereupon said circuit court shall have full and exclusive cognizance of the case; and said circuit court shall be always open for such purpose.

Judge of Circuit to cause a venire facias for a jury to be issued.

2. *And be it enacted,* That immediately upon such papers being filed in said clerk's office, the judge of said circuit court shall cause a venire facias for a jury to be

issued returnable into said court in not more than two weeks from the time of issuing the same; and which writ shall be executed by the sheriff or other officer according to the practice of said court in like cases, and on the day of the return of said writ the case shall be tried, unless for good cause shown the said trial shall be adjourned, in which case such adjournment and all other adjournments shall be for the shortest periods practicable.

Execution of writ.

3. *And be it enacted*, That such notice of the trial shall be given as the said judge may direct, the parties if they shall agree to do so, may waive a trial by jury, and submit the case to the judge on the law and facts.

Trial by jury may be waived.

4. *And be it enacted*, That the jurors to be summoned by virtue of said writ of venire facias, shall be such as would be qualified to serve as jurors under the act to which this is a supplement, and shall have administered to them the same oath that is required by the eleventh section of said act, and the trial of said case shall be conducted in all things in accordance with the directions of said act.

Qualification of jurors.

5. *And be it enacted*, That a judgment shall be entered on the finding of the judge or the jury, and if the same be in favor of the complainant, he shall recover treble costs, including treble of all costs incurred before the justice of the peace, and a writ of restitution shall issue to the sheriff of the county, commanding him to cause the complainant to be reseized or repossessed, and to which shall be added a clause commanding said sheriff to levy said treble costs of the goods and chattels and lands of the offender, and for want thereof to take the body of such offender and him safely keep in close custody in the common jail of the county until he shall pay the same, or be thence delivered by due course of law.

Proceedings in case judgment be entered in favor of complainant.

6. *And be it enacted*, That no writ of restitution shall be issued upon any judgment rendered in pursuance of this act until eight entire days, exclusive of Sundays, shall have elapsed after the rendition of such judgment, which writ when issued shall be returned into said circuit court within three months thereafter by the sheriff or other officer to whom the same shall have been delivered, with his proceedings thereon; if judgment be ren-

Writ of restitution.

Where to issue and where returnable.

dered for the defendant he shall have execution in like manner for his costs.

Power of the court.

7. *And be it enacted*, That said circuit court shall have the same power with respect to said proceedings, and the same control over the verdict and judgment as it has in other cases within its jurisdiction, and from the judgment so entered a writ of error shall lie to the supreme court; but such writ shall not stay the execution of such judgment, unless upon an order to that effect endorsed on said writ by said circuit judge, and upon a bond with sufficient surety being given in an amount which he shall designate, conditioned to indemnify the party in whose favor said judgment was rendered against all losses and damages which he may sustain by reason of final process being stayed.

Writ not to stay execution unless order to that effect is endorsed thereon.

Fees.

8. *And be it enacted*, That the same fees shall be allowed for services performed under this act as are given by the act to which this is a supplement, except that the fees of the judge and clerk of said circuit court shall be such as are or shall be allowed for like services in other cases in said court.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXVII.

An act to enable cities to create and maintain a sinking fund for the redemption of their bonded indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state, having a population less than one hundred thousand inhabitants, by resolution of the common council thereof, at any time hereafter, to establish a sinking fund for the cancellation of its bonds, and

Authorized to establish a sinking fund.

from time to time to fix the rate to be annually assessed therefor; *provided, however*, that the rate to be so assessed for the said purpose shall not in any case exceed one quarter of one per centum of the valuation of real and personal estate for general taxation. Proviso.

2. *And be it enacted*, That on application by, or on behalf of the common council of any city in this state, which may pass such resolution as aforesaid, the supreme court of this state, or any justice thereof, shall appoint under his hand, some proper person, to be styled "commissioner of sinking fund," who shall have the management of the sinking fund of such city, and the said court or justice shall also, thereupon, fix the yearly compensation of such commissioner, which shall include and cover all the expenses of the said office; and shall also determine the amount in which such commissioner shall give bond, and the number of his sureties; and the said commissioner, before entering upon the duties of his said office, shall execute a bond to such city, in the corporate name thereof, in such amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties of his said office, which said bond shall be approved by the said supreme court, or justice thereof. Justice of the Supreme Court to appoint commissioner of sinking fund. Compensation of commissioner. Shall give bond.

3. *And be it enacted*, That the said commissioner shall reside in the city for which he may be appointed during his whole term of office, which shall be five years, and until a successor shall be appointed; but in case of death, removal from the said city, or other disability, a successor shall be immediately appointed as aforesaid, for the term of five years, who shall give bond as aforesaid. Term of office and place of residence of commissioners.

4. *And be it enacted*, That when, at any time hereafter, any city in this state shall, by resolution of the common council thereof, determine to assess a certain annual rate for the purpose mentioned in the first section of this act, not exceeding the rate therein mentioned, and shall have procured to be appointed a commissioner in the manner indicated in this act, and the said commissioner shall have given bond, and the same shall have been approved as aforesaid, such assessment shall be added to, and levied, and raised with and in the same manner as the general tax levy of such city, and form a part thereof, Assessment to to form a part of the general tax levy of the city.

and the money so raised shall be paid into the hands of such commissioner as, and when, and as soon as the same shall be collected by the collector of taxes (in the ratio that the amount received shall bear to the amount levied), for the purpose of establishing a sinking fund for the payment and cancellation of the bonds of such city.

Investment of moneys by commissioner.

5. *And be it enacted,* That all moneys received by such commissioner as aforesaid, shall be invested by him, as such commissioner, for the benefit of the said sinking fund, within three months after the receipt thereof:

I. In the bonds of such city, when they can be purchased at a rate satisfactory to such commissioner, and the mayor and treasurer of such city;

II. In bonds of the United States;

III. In bonds of any county of this state, when they can be purchased at a rate satisfactory to such commissioner, mayor and treasurer as aforesaid.

Redemption and cancellation of bonds.

6. *And be it enacted,* That all the bonds of such city, the redemption whereof shall not be otherwise provided for, shall be redeemed, paid and cancelled by the means aforesaid, as rapidly as possible; and as soon as the same shall be paid and cancelled, all compensation to such commissioner shall cease, notwithstanding that his term of office may not then have expired.

Semi-annual reports to be made.

7. *And be it enacted,* That such commissioner shall report in writing under his hand to the said common council, every six months, all the transactions of his said office during the preceding six months, and that the finance committee of the said common council shall, at all reasonable times, have the right to inspect the books, papers, vouchers and transactions of such commissioner's office.

8. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXVIII.

A Further Supplement to the act entitled "An act concerning elections," approved April eighteenth, one thousand eight hundred and seventy-six.

When township may be divided into three election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any township containing eleven hundred voters and over, which shall have been divided into two election districts, the township committee thereof may, if they shall deem it for the convenience of the voters therein, divide said township into three election districts; *provided*, the said division shall be made before the first day of August next; *and provided also*, that this act shall not apply to counties having a population less than one hundred thousand, and in making such division the said township committee shall be governed by the provisions of the act to which this is a supplement.

Proviso.

Proviso.

Appointment of officer of election district.

2. *And be it enacted*, That the officer of such election district shall be appointed and elected in the same manner as is provided by the act to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXIX.

An Act to amend an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of said act, which is in the following words, to-wit:

Section to be amended recited

"8. *And be it enacted*, That the said corporation shall annually elect some fit person, being a freeholder and resident in the county, and not a member of such corporation, for their clerk, who shall be entitled to the sum of one dollar and a half for every day he shall be employed in the duties of his office, and whose duty it shall be to keep the minutes, and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation; which clerk shall, before he enters upon the execution of his office, take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office," be and the same is hereby amended to read, and be in the words following, to-wit:

Section as amended.

Election of clerk.

8. *And be it enacted*, That the said corporation may annually elect some fit person, being a resident in the county, and not a member of such corporation, for their clerk, who may be entitled to such per diem compensation, or annual salary, as the corporation may by resolution fix; *provided*, that in counties having less than seventy thousand inhabitants such annual salary shall not exceed three hundred dollars; *provided further*, that

Proviso.

Proviso.

in any county where the clerk is now paid an annual salary by law, or by any resolution or by-law of such corporation, such salary shall not be increased beyond the amount now so fixed as aforesaid; it shall be the duty of the clerk to keep the minutes, and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and he shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation; before he enters upon the duties of his office, the said clerk shall take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office. Duty of the clerk.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXX.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons legally qualified to vote at town and municipal elections in this state shall hereafter elect for each township and ward but one chosen freeholder, and the chosen freeholders so elected in the several counties of this state, having a population by the last state census of not less than twenty-four thousand four hundred inhabitants, and not exceeding thirty-six thousand inhabitants, shall constitute "the board of chosen freeholders" in and for the same. Election of chosen freeholders.

2. *And be it enacted*, That from and after the passage of this act, the chosen freeholders to be elected in the several Time of holding election.

wards and townships of this state shall be elected at the same times, for the like term, and in the same manner as chosen freeholders are now elected therein, respectively; and they shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as chosen freeholders in this state now are.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXI.

An Act for the improvement of the sanitary condition of cities.

Board of health to view district said to have insufficient drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least twenty-five freeholders, residents of any particular city in this state, situated in any county of this state having a county board of health, stating that any particular place or district in such city is in a condition detrimental to the public health of such city or any part thereof by reason of insufficient drainage, it shall be the duty of such board of health to forthwith appoint a time and place to meet for the purpose of viewing the district said to be insufficiently drained, at which time and place so appointed said board shall meet and proceed to the place or district designated in such petition, and carefully to inspect and examine the same.

Board of health to make certificate to mayor and council.

2. *And be it enacted*, That if the board of health, or a majority of the members thereof, are of opinion that the place or district by them viewed and inspected, pursuant to the provisions of the first section of this act, is in a condition which is detrimental to the public health by

reason of insufficient drainage, and that it is advisable and proper that the same should be drained, they shall so certify to the mayor and council, the mayor and aldermen, or other governing body of the city wherein such insufficiently drained place or district is situate.

Common council to direct plans and specifications to be made for the building of sewers, &c.

3. *And be it enacted*, That upon receiving the certificate of the board of health, that any particular place or district is in a condition detrimental to the public health by reason of insufficient drainage, and that it is advisable and proper that the same should be drained, the corporate authorities of the city in which such place or district requiring to be drained is situated may appoint a competent civil engineer or engineers to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tide banks, and such other works as may be necessary to secure a sufficient and proper drainage of the place or district requiring to be drained.

Duty of the corporate authorities on receiving the report of the civil engineer.

4. *And be it enacted*, That upon receiving the report of the civil engineer or engineers appointed pursuant to the preceding section of this act, the corporate authorities of such city may by ordinance, authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tide banks and such other works as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

Contracts, how awarded.

5. *And be it enacted*, That the corporate authorities of such city, in case they decide to do the work, shall advertise for proposals for doing and constructing said works, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvements in such city.

Certificates of indebtedness may be issued.

Sale of bonds authorized.

6. *And be it enacted*, That such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay such contractor or contractors, by issuing and selling registered or coupon bonds, pledging the property and credit of such city for the payment thereof, payable in not less than two nor more than five years from the date thereof, with interest at the rate of not more than

Proviso.

six per centum per annum; *provided*, the sale of such bonds shall be advertised for at least ten days in the official paper or papers of such city, such other papers as the mayor and council of said city shall direct, and shall be sold to the highest bidder or bidders therefor; *and*

Proviso.

provided further, that no more bonds shall be issued and sold than are necessary to raise sufficient money to complete such sewer or sewers, and other works necessary to secure the drainage provided for by this act.

Costs and expense to be assessed upon real estate benefited.

7. *And be it enacted*, That the costs and expense of constructing such sewer or sewers, pumps, dykes, dams, tide banks and such other works as may be deemed necessary for the purpose aforesaid, shall be assessed upon the real estate specially benefited thereby, in proportion to the benefit received; and that any moneys which may be collected from assessments for any improvements made under the provisions of this act shall constitute a sinking fund, and be inviolably applied to the payment of such bonds or improvement certificates as may have been issued for the payment of said improvement.

Assessment, how made and collected.

8. *And be it enacted*, That such assessment shall be made and collected in the same manner as assessments are made for the construction of sewers in other cases in such city.

Excess of costs and expenses, how raised.

9. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefit to lands specially benefited thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other city purposes are assessed, levied and collected.

Annual appropriation to be made.

10. *And be it enacted*, That in case it is necessary to erect pumps or other works which will require to be operated by steam power or by other artificial means, requiring an annual expenditure of money to operate the same, it shall be the duty of the inhabitants of such city, or of the board of tax commissioners, the board of works, or other body having authority to make appropriations of money to be raised by taxation, to appropriate

and cause to be raised annually by taxation, a sufficient sum of money to run and operate such pump or pumps or other works, for the purpose of securing a proper drainage of the place or district required to be drained.

Appointment of engineer or engineers, &c.

11. *And be it enacted*, That the corporate authorities of such city in which such drainage works shall be erected, shall have power to appoint an engineer or engineers and such other servants and workmen as may be necessary to operate the same, and to fix the compensation to be paid to them respectively.

Bonds not to issue in excess of limit provided by charter.

12. *And be it enacted*, That no city shall issue bonds in excess of the limit provided by its charter or the several amendments of the same; *and provided further*, that any issue of bonds under this act shall not increase the total indebtedness of any such city to an amount exceeding eight per centum of the assessed valuation of the taxable property of such city.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXII.

An Act to enable municipalities to award compensation for lands taken for streets, and to assess the damages caused by improving such streets, and to provide for the assessment of such costs on lands benefited.

Application may be made to justice of supreme court for the appointment of commissioners to review proceedings, &c.,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city or village since incorporated as a city, by reason of any supposed right under its charter or from other cause, has widened, regulated or graded any street without, by condemnation proceedings or otherwise, having acquired the right to take and appropriate the lands which have in fact been taken and appropriated for such purpose, or without

taking lawful proceedings to ascertain and award the damages sustained by owners of real estate by reason of appropriating such lands or regulating and grading such street, it shall be lawful for the corporate authority of such city to apply to a justice of the supreme court for the appointment of three commissioners to review the proceedings had and taken for the improvement of such street.

Application to be in writing.

2. *And be it enacted*, That the said application shall be in writing, and shall set forth the facts upon which it is founded.

Notice to be given of time and place of presentation of application.

3. *And be it enacted*, That one week's notice of the time and place, when and where the said application will be presented to the said justice, shall be published in a newspaper published and circulating in said city, and shall be served personally upon the owners of lands fronting upon the improvement who reside in said city, or by leaving the same at their residences, and by mailing the same to non-resident owners at their post office address, if known.

Appointment of commissioners.

4. *And be it enacted*, That the said justice upon being satisfied that due notice of the application has been granted, and that the facts set forth in the said application are true, and that they are sufficient under the first section of this act to justify the said application, shall appoint three disinterested persons commissioners to review the said proceedings.

To make oath.

5. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath before some person authorized to administer the same, that they will faithfully and impartially perform the duties required of them.

Commissioners to examine the premises and ascertain the value of the lands taken and assess the total value, &c.

6. *And be it enacted*, That the said commissioners shall view the premises and shall ascertain to the best of their ability the present condition of the street and its condition before it was widened, regulated or graded, and shall examine into the whole matter touching the improvement of said street, and shall ascertain what lands have been taken and appropriated for such purpose, the value thereof, the owner's name so far as practicable, the damages caused by making the improvement, the costs and

expenses thereof to the date of their report, including interest, and thereupon the said commissioners shall assess the total amount of the value of lands taken, and the damages, costs and expenses so ascertained in an equitable manner upon all the lands benefited by the widening, regulating, grading and improving of said street, in proportion to the benefit received by each parcel, assessing no parcel however beyond the benefit received by it, and the excess, if any, of such cost, damages and expense shall be borne by the city at large.

Commissioners to make and file a report.

7. *And be it enacted*, That the commissioners shall make a report of the estimate and assessment so made by them, and before proceeding to sign the same shall file it in the office of the city clerk for examination by parties interested therein, and shall give ten days' notice by publication in two newspapers published or circulated in said city that such report has been deposited as aforesaid, and also the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same and return it with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the city council.

Report to be referred to proper committee of city council.

8. *And be it enacted*, That every report made as aforesaid and presented to the city council, shall be referred by them to the proper committee for consideration; and in case of any objection in writing being returned with such report, the said committee shall give ten days' notice by publication in two newspapers published or circulating in said city, to the parties interested, of the time and place where and when they will meet to hear them on the objections and report; and said committee shall thereupon examine the matter and report to the city council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Report of committee

Proceedings if report is not ratified.

9. *And be it enacted*, That the city council shall within thirty days thereafter examine the matter, and may correct said report, if they deem proper, and ratify the same; or they may return such report to the said commissioners

who may have signed the same, and the like proceeding shall be had when the report is returned as in the first instance.

Proceedings where an assessment shall have been made against owner.

10. *And be it enacted*, That when the commissioners in the said report shall have made an award to any owner for land taken, or damages done, or both, and have made no assessment for benefits against the same owner, in such case the full amount of the award shall be paid to such owner; but where an assessment for benefits shall have been made against such owner, only the excess of the award for land taken and damages over the assessment for benefits shall be paid to such owner; such payment shall be made by the city treasurer under the direction of the city council to the owner, if a resident in said city; but if any such owner is not resident in said city, or if upon due inquiry cannot be found therein, or is under age, or if for any other lawful causes he is incapacitated to receive the same, then the city treasurer shall make affidavit of such facts and file the same with the city clerk, and the said city council inquiring into the facts shall cause the amount to be placed at interest or good security for the use of the person for whom it may be due.

When land is to be considered as lawfully condemned for public use.

11. *And be it enacted*, That upon the payment of the said awards in manner aforesaid, the land so appropriated for such street shall be regarded as lawfully condemned to the public use, and the assessments for benefits, or in case of awards for lands taken and damages, the excess of such assessment over the awards, with interest at six per centum per annum from the date of the making and signing of said report by the commissioners, shall be and remain a lien upon the lands upon which they are assessed, and shall be proceeded with and collected within the same time and in the same manner and under the same penalties as assessments of benefits for regulating and grading streets are directed to be collected under the present laws governing such city.

Vacancy, how filled.

12. *And be it enacted*, That in case of the resignation, death, disability or refusal to act of one or more of the said commissioners, it shall be lawful for the said justice upon notice, and the case of the appointment of the original commissioners, to supply by appointment the vacancy

or vacancies caused by such resignation, death, disability or refusal to act.

13. *And be it enacted*, That the commissioners shall be entitled to receive for the services the sum of three dollars a day each, which fees, together with any cost incurred by them for surveying, examining titles, procuring maps, shall be regarded and assessed as part of the costs of the said improvement; *provided*, that nothing in this act contained shall take away or effect any right to certiorari which any person may have by virtue of any proceedings hereunder. Compensation. Proviso.

14. *And be it enacted*, That this act shall take effect immediately, but it shall not apply to any city which contained more than five thousand inhabitants by the census of one thousand eight hundred and seventy-five. Act not to apply

Approved March 14, 1879.

CHAPTER CLXXIII.

An Act to regulate the elections of insurance companies in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter at the election of directors, managers or other officers of any insurance company in this state, whether such company exists under the general law of the state, or under special charter granted by the legislature of the state, every voter may vote in person or by proxy, but no proxy of any person entitled to vote at such election shall be voted on, allowed or received, which shall at the time of such election have been executed more than one year prior to such election. Proxy not to be voted on if executed more than one year prior to election.

2. *And be it enacted*, That due notice, as required by the laws of the state, or charters and by-laws of the companies, shall be given to those entitled to vote at such Notice of election to be given.

elections, of the time and place of holding such election, and of the directors and officers to be elected.

Penalty for failure to comply with provisions of this act.

3. *And be it enacted*, That upon the wilful failure to comply with the provisions of this act, by any officer of any insurance company, present and officiating, whose duty it may be to act in the premises, such officer shall forfeit and become liable to pay the sum of five hundred dollars as a penalty for such failure, the same to be sued for and collected by the attorney general in the name and for the use of the state, and such election shall be declared null and void.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXIV.

An Act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire insurance companies not organized under the laws of this state, but doing business herein.

Agent or agents to return amount of premiums received, to treasurer of fire department relief fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents of any foreign fire insurance company doing business in any city of this state having a fire department relief fund, shall return to the treasurer of such fire department relief fund of the city in which he is doing business, on the thirty-first day of December, and the thirtieth day of June, of each year, a just and true account, verified by his oath, that the same is a true account of all premiums which during the six months ending on the thirty-first day of December, or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the

capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance, or against loss or injury by fire upon property situate in such city, which shall have been effected for any individual or association not incorporated by the laws of this state.

Payment of tax on premiums to be paid semi-annually.

2. *And be it enacted*, That such agent or agents of every fire insurance company aforesaid shall, some time in the months of January and July in every year in which he shall act as such agent, deliver and pay to the treasurer of the benevolent fund of the fire department of the city in which such agent is doing business, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said periods for which they may have acted as such agents, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent for premiums on any insurance against loss or injury by fire upon any property.

Agent to keep accurate books of all business, &c.

3. *And be it enacted*, That such agent doing business as aforesaid, shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance and the premium paid therefor; and in case any fraud or dishonesty in the return made by such agent as provided for in section one of this act be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city in which such agent is doing business, to obtain order from the presiding judge of the court of common pleas of the county in which said city is located, compelling such agent to produce in said court his books of accounts for examination by said court.

Proceedings in case of apparent fraud in return of agent.

Penalty for failure.

4. *And be it enacted*, That every agent of any foreign fire insurance company who shall neglect to keep such books of accounts as aforesaid, or shall refuse to produce the same in the court of common pleas as aforesaid, upon an order of said court, or shall fail or neglect to

report and pay over the money due upon the premium, at the times and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall for each offence forfeit five hundred dollars, for the use and benefit of the fire department benevolent fund of such city.

Duty of secretary of state in case report is made of default in payment.

5. *And be it enacted*, That in case of making default in payment, or in case of the failure to pay and satisfy any forfeiture or penalty adjudged to be due to the provisions of this act, the same being reported to the secretary of state in writing, attested by the oath of said treasurer, the secretary of state shall forthwith revoke any certificate of authority previously issued under which such default shall have occurred, but such revocation of certificate shall not release any penalty or forfeiture previously incurred.

Not to alter or abridge any reciprocal legislation in regard to percentage of taxes on premiums.

6. *And be it enacted*, That this act shall not alter or abridge any reciprocal legislation existing between the different states of the United States, in regard to the percentage of taxes collected by the insurance department of this state, but said amount of premiums paid by any insurance company to the treasurer of the benevolent fund of the fire department shall be deemed a part of said reciprocal tax now collected by the insurance department of this state.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXV.

A Supplement to an act entitled "An act to provide for the assessment and payment of costs and expenses incurred in constructing sewers, and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth section of the act to which this is a supplement, which reads as follows:

Section to be amended recited

"13. *And be it enacted*, That for the purpose of paying the costs, damages and expenses of constructing any sewer, or laying out, opening, widening or otherwise improving any street or avenue, the assessment for which is provided for in this act, and all other expenses incident thereto, and the interest upon such expenses, the said board of commissioners is hereby authorized to issue bonds in the name of such board of commissioners, and pledging for the redemption thereof the faith and credit of said board of commissioners, bearing interest at such rate as the said board of commissioners can dispose of said bonds at, not exceeding legal interest, which bonds shall be made payable at such time or times as the said board of commissioners may at the time of issuing the same determine, not over fifteen years from the date of issuing the same, but so issued that an equal portion of the same shall become and be due and payable in each year after two years from the date of said bonds; said bonds shall be issued in such sums as the said board of commissioners may determine, not exceeding in the aggregate the amount of the assessment as found by the commissioners to be appointed by the court as aforesaid, together with all the expenses incident to said assessment, and the costs incurred (if any), in setting aside the origi-

nal assessment, and may be disposed of by the said board of commissioners, from time to time, as may be necessary, at the highest rate for which they can dispose of the same; said bonds shall be issued under the seal of the said board of commissioners, and be signed by the president or other head officer, and treasurer of such board of commissioners, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners as well as the property of the said board of commissioners," be and the same is hereby amended so that the said section shall read:

Section as amended.

13. *And be it enacted*, That for the purpose of paying the costs, damages and expenses of constructing any sewer, or laying out, opening, widening, or otherwise improving any street or avenue, the assessment for which is provided for in this act, and all other expenses incident thereto, and the interest upon such expenses, the said board of commissioners is hereby authorized to issue bonds in the name of such board of commissioners, and pledging for the redemption thereof the faith and credit of said board of commissioners, bearing interest at such rate as the said board of commissioners can dispose of said bonds at, not exceeding legal interest, which bonds shall be made payable at such time or times as the said board of commissioners may at the time of issuing the same determine, not over fifteen years from the date of issuing the same, but so issued that an equal portion of the same shall become and be due and payable in each year after two years from the date of said bonds; said bonds shall be issued in such sums as the said board of commissioners may determine, not exceeding in the aggregate the amount of the costs, damages and expenses incurred for such improvement ascertained by the commissioners appointed by the court as aforesaid, together with all the expenses incident to said assessment, and interest upon the amounts to be refunded for payments made under any former assessment as provided for in the twelfth section of this act, and the costs incurred, if any, setting aside the original assessment, and may be disposed of by the said board of commissioners from time to time as may be necessary, at the highest rate for which they can dis-

Board of commissioners authorized to issue bonds.

When payable.

pose of the same; said bonds shall be issued under the seal of the said board of commissioners, and signed by the president or other head officer and treasurer of such board of commissioners, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners as well as the property of the said board of commissioners. How executed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXVI.

An Act to authorize the merging of insurance companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two insurance corporations, organized under any law of this state, are hereby authorized to merge in manner following: the directors of any two such corporations may enter into and make an agreement under their respective corporate seals for the merger of one of said companies into the other of them, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the amount of capital and number of shares of the stock into which the same is to be divided (which capital shall not be larger in amount than the aggregate amount of capital of the two companies), with such other particulars as they may deem necessary, not inconsistent with the provisions of the said last named act, and the acts amending and extending the same, and which agreement shall be subject to the approval of the commissioner of insurance. Mode of procedure for merging companies.

2. *And be it enacted*, That such agreement of the directors shall not be deemed to be the agreement of the said corporations so proposing to merge one into the other, until Consent to agreement to be first had and obtained.

the assent of one-half of the stockholders, owning two-thirds of the stock of each of said companies so proposing to become merged into one, be obtained; and when such agreement of the directors has been sanctioned and approved by one-half of the stockholders of each of said companies, owners of two-thirds of the stock thereof, in the manner hereinafter prescribed, then such agreement of the directors shall be deemed to be the agreement of the said corporations, and such assent in writing, or a duplicate thereof attached to the said agreement, shall be evidence of the assent of such stockholders.

New certificates of stock to be issued.

3. *And be it enacted*, That upon the making, sanctioning and approving of the said agreement in the preceding sections mentioned in the manner therein required, and the filing of the duplicates or counterparts thereof, and of the assent in writing mentioned in the preceding section, with the approval of said commissioner, in the office of the clerk of the county where the principal office of the said corporation is located, and in the office of the commissioner of insurance, then and immediately thereafter the said corporations shall be merged in the corporation provided for in the said agreement, and the details of such agreement shall be carried into effect as provided therein; and it shall be lawful for said corporation to require the return of the original certificates of stock held by each stockholder in each of the companies, and in lieu thereof to issue new certificates for such number of shares of its own stock as the said stockholders may be entitled to receive.

When rights, franchises and interests shall be deemed to be vested.

4. *And be it enacted*, That upon the merger of any corporation in the manner herein provided, all and singular, the rights, franchises and interests of the said corporation so merged, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such corporation as the other of them has become merged, without any other deed or transfer; and said last named corporation shall hold and enjoy the same, and all the rights of property, franchises and interests in the same manner and to the same extent as if the said corporation so merged should have continued to retain the title and transact the business of such corporation; and the title

and real estate acquired by the said corporations so merged shall not be deemed to revert by means of such merger, or anything relating thereto.

5. *And be it enacted*, That the rights of creditors of any corporation that shall be so merged shall not in any manner be impaired by any such merger, nor shall any liability or obligation for the payment of any money now due or hereafter to become due to any person or persons, or any claims or demand in any manner, or for any cause existing against any such corporation or against any stockholder thereof, be in any manner released or impaired, but such corporation into which the other shall become merged is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge all such debts and liabilities of the merged corporation in the same manner as if such corporation into which the other shall become merged had itself incurred the obligation or liability to pay such debt or damages, and stockholders of the respective corporations, so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such merger, and no suit, action or other proceeding then pending before any court or tribunal, in which any corporation that may be so merged is a party, shall be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said corporations had not entered into the said agreement, or the said last named corporation may be substituted in the place of any corporation so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

Rights of creditors not to be impaired by reason of merger.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXVII.

An act to repeal section nine of an act entitled "An act respecting executions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the said act, which reads as follows:

Repealer.

"9. *And be it enacted*, That whenever a writ of execution shall be issued against the inhabitants of any township, city or borough of this state, by any court authorized to issue the same, in case there should be no property belonging to said township, city or borough, sufficient to satisfy the same, whereon to levy, then the officer authorized to execute said process shall serve a copy of the same on the collector of said township, city or borough, who is hereby required to pay and satisfy the same out of the first moneys belonging to said township, city or borough, which shall come to his hands," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXVIII.

An Act to amend section eighty-six of the act entitled "An act to establish a system of public instruction."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-six of the act entitled "An act to establish a system of public instruction," and which section reads as follows:

Section to be amended recited.

"86. *And be it enacted*, That in addition to the tax imposed by the seventy-seventh section of this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in the following manner, unless otherwise authorized by any special act applicable to such city school district: the legal voters of such district are hereby authorized and required to meet on the Tuesday of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, and the amount of money desired to be raised, shall be given by the district clerk, and set up in at least three public places within the district, ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of a majority of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the inhabitants so assembled shall agree to; and in case any money shall be ordered by a vote of a majority of said meeting to be raised by taxation, the

district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the county superintendent, which said assessor or assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected at the time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such a vote of a district meeting as aforesaid, on the order of the district clerk of said district, to be used for the purposes directed by the district meeting so held as aforesaid; *provided*, that whenever any district school meeting shall be held as aforesaid, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting set up in the manner required by law; *and provided further*, that whenever, in the judgment of the trustees of any district, it shall be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given as aforesaid," be and the same is hereby amended to read as follows:

Section as amended.

86. *And be it enacted*, That in addition to the tax imposed by the seventy-seventh section of this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in the following manner, unless otherwise authorized by any special act applicable to such city school district: the legal voters of such district are hereby authorized and required to meet on the Tuesday of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon

Mode of procedure for raising additional school tax.

the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, and the amount of money desired to be raised, shall be given by the district clerk, and set up in at least three public places within the district, ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of a majority of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge, or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the inhabitants so assembled shall agree to; and if at such meeting the trustees shall be authorized to borrow money not exceeding four hundred dollars in amount, to build or repair a school house to cost less than five hundred dollars, such meeting may direct that the money to pay the debt so authorized to be raised by poll-tax, assessed upon the taxable inhabitants of said district, and that one hundred dollars with interest on the amount of said borrowed money remaining unpaid be so raised, in each year, for a period of four years; and in case any money shall be ordered by a vote of a majority of said meeting, to be raised by taxation, the district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the county superintendent, which said assessor or assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such a vote of a district meeting as aforesaid,

Amendment.

on the order of the district clerk of said district, to be used for the purposes directed by the district meeting so held as aforesaid; *provided*, that whenever any district school meeting shall be held as aforesaid, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting set up in the manner required by law; *and provided further*, that whenever, in the judgment of the trustees of any district it shall [not] be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given as aforesaid.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXIX.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Ordinary to make order upon application of surety to give public notice to the creditors of decedent to bring in their debts within three months from date of order.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any bond given by executors or administrators in pursuance of the act to which this is a supplement, which has or shall become forfeited and has been or may be caused by the ordinary to be prosecuted to judgment, in any court of record, and it shall be made to appear to the ordinary, by petition filed by any surety, against whom judgment has been or shall have been rendered, upon such bond

that the damages sustained by the non-performance of the condition of such bond, together with the costs of suit and execution fees thereon, have been fully satisfied so far as such surety shall have been able to ascertain such damages, and that such executor or administrator, who has or shall have caused such forfeiture, has or shall have absented himself from this state for seven years successively, and has or shall have neglected and failed properly to proceed with the administration of the estate, for the performance of which such bond was or shall have been given, and no administrator has been appointed in his stead, the ordinary, upon application of such surety, may make an order directing such surety to give public notice to the creditors of the decedent and any persons grieved by the forfeiture of such bond, to bring in their debts, demands and claims against the estate of the decedent, under oath, within three months from the date of such order, by advertising such notice for six weeks successively, once in each week, in one or more of the newspapers of this state, as may be directed in said order, and any further notice, in case the ordinary shall judge the same necessary, and such notice shall be advertised within twenty days after the date of such order.

Claims and demands must be presented in writing.

2. *And be it enacted*, That when any order to bring in debts and claims, shall be made in pursuance of the preceding section, all claims and demands of the creditors of the deceased, and of all persons aggrieved by the forfeiture of such bond, shall be presented in writing, specifying the amount claimed and the particulars of the claim, and shall be verified under oath, or the bringing in of the same shall be of no effect.

Exceptions to claims.

3. *And be it enacted*, That the surety or sureties may except to any claim, debt or demand which be so put in, and thereupon the same shall be tried in such manner as the ordinary may direct, and the ordinary may, if the same be not proved on such trial, to his satisfaction, disallow and reject the same.

Satisfaction of judgment to be entered.

4. *And be it enacted*, That after the expiration of the time in such order limited, the ordinary, upon proof, to his satisfaction, that such notice has been advertised as directed, and that no claims or demands have been pre-

sented, or that all claims which have been presented and allowed, have been fully paid and satisfied by such surety, or otherwise, may order satisfaction of such judgment to be entered pursuant to the provisions of the act entitled "An act concerning judgments" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

5. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXX.

An Act to regulate the taxing and assessing of lands heretofore sold, or which may hereafter be sold in any city, incorporated town or township of this state, for non-payment of taxes, assessments or water rents, and which lands may have been or may hereafter be purchased by said city, town or township, or by any person in its behalf.

Taxes, assessments and water rents to be continued upon lands or real estate in the hands of the city, town or township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city, incorporated town or township of this state, in which lands or real estate have been heretofore sold, or shall be hereafter sold, for non-payment of taxes, assessments, or water rents, and purchased by such city, town or township, or by any person in its behalf, subject to the right of redemption provided for by law, the taxes, assessments and water rents shall continue to be assessed upon said lands or real estate in the hands of such city, town or township, or the person holding in its behalf; but it shall not be necessary to advertise said lands for sale for non-payment of any such tax, assessment or water rent, now laid or hereafter to be laid, or to sell said lands or real estate

therefor, and said taxes, assessments and water rents with interest at ten per centum per annum, unless such interest shall be fixed by such city at a rate not less than six nor more than ten per centum, shall be and remain a first lien upon said lands or real estate, and shall be paid to such city before said lands or real estate can be redeemed.

Power to sell lands or real estate.

2. *And be it enacted*, That any such city, town or township shall have power to sell said lands, or real estate, and to direct the transfer of the declaration of sale now authorized by law to be issued, subject to the right of redemption provided for by law, to any person paying the amount of the taxes, assessments or water rents for which said lands or real estate may have been sold, and the subsequent taxes, assessments, or water rents, assessed and made a lien pursuant to the provisions of this act, and after the expiration of the time for redemption and the giving of the notices required by law to be given to any mortgagee or other person, such sale or transfer shall vest in such purchaser all the estate which such city, town or township, or the person holding in its behalf, may have in said lands or real estate.

Fees not allowed.

3. *And be it enacted*, That no fees shall be allowed to, or paid to any official for any services connected with the assessing or collecting of any such tax, assessment or water rent.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXI.

An act to authorize incorporated cities in the state of New Jersey to adjust and compromise past due taxes.

Preamble.

WHEREAS, certain taxes heretofore levied within cities in this state have been illegally assessed or made.

Proceedings for adjusting past due taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed to examine, revise, alter, adjust and compromise all or any such past due taxes, in said cities respectively, the justness and legality of which may be disputed by any person or persons or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council, and in all cases the final action of such committee, board of finance and taxation, or commissioners, upon any case arising under this act, shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities, respectively.

Proviso.

Proceedings in case any person or persons or corporation is agrieved.

2. *And be it enacted*, That any person or persons or corporation, separately or collectively, aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition, therein stating his or their objections to the same, and praying relief, and upon so presenting such petition, the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen or common council, or board of finance and taxation, or

commisioners of the sinking fund, or any committee therein duly appointed by resolution of said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just, and that every such past due tax which shall be so revised, altered, adjusted and compromised, shall be final and conclusive between every such person or persons or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

Proceedings shall be signed by presiding officer.

3. *And be it enacted*, That the proceedings of every of the said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision, and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively; *provided, however*, that any person or persons or corporation desiring to have the benefit of this act, shall file his or their petition or petitions therefor within twelve months from the date of the passage of this act; *provided, however*, that nothing in this act shall be held to alter, or affect the rights or remedies, at law or in equity, of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected; *provided, however*, that this act shall not apply to cities containing less than thirty thousand or more than one hundred thousand inhabitants; *and provided further*, that the provisions of this act shall not apply to any tax assessed

Proviso.

Proviso.

Proviso.

Proviso.

New Jersey State Library

for the year one thousand eight hundred and seventy-eight.

4. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXII.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the ninth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be amended recited

"4. *And be it enacted,* That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief; his staff shall be as follows: six aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general; one surgeon general, with the rank of brigadier general; one inspector general, with the rank of brigadier general; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; the quartermaster general shall be acting commissary general, acting paymaster general and acting chief of ordnance; there shall be a major general of division; his staff shall be as follows: three aides-de-camp, each with the rank of major; one inspector, with the rank of colonel; one assistant adjutant general with

the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster with the rank of lieutenant colonel; one judge advocate with the rank of lieutenant colonel; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one principal musician, one color sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians," be amended so as to read as follows:

Section as amended.

4. *And be it enacted,* That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief; his staff shall be as follows: one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general;

The National Guard, how officered.

the quartermaster general shall be commissary general, paymaster general and chief of ordnance; one surgeon general, with the rank of brigadier general; one general inspector, with the rank of brigadier general, who shall also be inspector of rifle practice; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; four aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; there shall be a major general of division; his staff shall be as follows: one assistant adjutant general, with the rank of colonel; one inspector, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster, with the rank of lieutenant colonel; one judge advocate, with the rank of lieutenant colonel; three aides-de-camp, each with the rank of major; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel, and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one inspector of rifle practice, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one principal musician, one color sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be

selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants, and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians.

2. *And be it enacted*, That section nineteenth of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

"19. *And be it enacted*, That it shall be the duty of the inspector general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant general on or before the first day of July in every year; he shall forward one copy of all inspections made of the national guard to the office of the adjutant general and one copy to the headquarters of the national guard," be amended so as to read as follows: Section to be amended recited

19. *And be it enacted*, That it shall be the duty of the general inspector to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant general on or before the first day of July in every year; he shall forward one copy of said report and one copy of all inspections made of the national guard to the office of the adjutant general and one copy to the headquarters of the national guard. Section as amended. Duty of General Inspector.

3. *And be it enacted*, That the twentieth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

"20. *And be it enacted*, That it shall be the duty of the inspector general, on or before the first day of April in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns," be amended so as to read as follows: Section to be amended recited

Amendment.
Muster and inspection rolls.

20. *And be it enacted*, That it shall be the duty of the general inspector, on or before the first day of April in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns.

Instruction in the use of arms.

4. *And be it enacted*, That it shall be the duty of the general inspector, who is also the inspector of rifle practice, to have charge of the general instruction of the national guard in the use of such arms as they have been provided with by the state, and to increase their skill and efficiency in the practice of their weapons.

5. *And be it enacted*, That the twenty-first section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be amended recited

"21. *And be it enacted*, That it shall be the duty of the inspector of the division to see that the inspectors of the brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the inspector general," be amended so as to read as follows:

Amendment.
Relative to inspections.

21. *And be it enacted*, That it shall be the duty of the inspector of the division to see that the inspectors of brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the general inspector.

6. *And be it enacted*, That the twenty-third section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be amended recited.

"23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the twentieth day of May, except that whenever any regiment or battalion is unattached to any brigade, the inspector general be and he is hereby authorized to detail any field or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the

company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division," be amended so as to read as follows:

Section as amended.

Time for making annual inspection.

23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the twentieth day of May, except that whenever any regiment or battalion is unattached to any brigade, the general inspector be and he is hereby authorized to detail any field, staff or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division.

Governor to appoint assistant inspectors.

7. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, two assistant inspectors of rifle practice, with the rank of lieutenant colonel, or he may detail officers to act as such if he deems proper.

When entitled to two second lieutenants.

8. *And be it enacted*, That whenever the additional companies of the national guard drilled in the use of the gatling or other similar guns have more than fifty enlisted men, they shall be entitled to two second lieutenants, and two hundred and fifty dollars per annum in addition to the allowances now by law, the same to be approved by the major general of division

9. *And be it enacted*, That the fourth section of the supplement of the act to which this is a supplement, which was approved March first, one thousand eight hundred and seventy, which reads as follows:

Section to be repealed recited.

"4. *And be it enacted*, That in lieu of the term of seven years, as now provided by section seventy-one of the act to which this is a supplement, the term of service in the national guard shall be six years, in two terms of enlistment of three years each, and that every person having enlisted for and served faithfully for a term of three years, shall be entitled to and receive an honorable discharge, under such conditions as now exist in relation to discharges from the national guard, but shall not be entitled to any exemptions or privileges as now provided by law; and that every person who, having served one term of three years, shall re-enlist, either immediately or at any future time, for a further term of three years, and shall faithfully serve the same, shall be entitled to and receive an honorable discharge, under conditions as hereinbefore provided, and shall be entitled to and receive all the privileges and exemptions provided by law," be and

Repealer.

the same is hereby repealed.

10. *And be it enacted*, That the ninth section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three, which reads as follows:

Section to be repealed recited.

"9. *And be it enacted*, That in lieu of two terms of enlistment of three years each, the term of service in the national guard shall hereafter be five years, and that it shall be upon one enlistment; but that any person now serving in the national guard, who, under the existing law, has re-enlisted for his second term of three years, shall be entitled to a full discharge when he shall have served two years of his said second enlistment," be and

Repealer.

the same is hereby repealed.

11. *And be it enacted*, That the seventy-first section of the act to which this is a supplement, which was approved March ninth, one thousand eight hundred and sixty-nine, which reads as follows:

Section to be amended recited

"71. *And be it enacted*, That every officer, non-commissioned officer, musician and private who is or may become attached to the national guard, shall ipso facto be held to

be enlisted therein, and shall be holden to duty therein for the full term of seven years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state," be amended so as to read as follows:

71. *And be it enacted*, That the term of service in the national guard shall be five years, and every officer, non-commissioned officer, musician and private who is or may become attached to the national guard, shall ipso facto be held to be enlisted therein, and shall be holden to duty therein for the full term of five years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state. Section as amended. Term of service.

12. *And be it enacted*, That the seventy-fifth section of the act to which this is a supplement, which was approved March ninth, one thousand eight hundred and sixty-nine, which reads as follows:

"75. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of seven years, shall at his request receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty, and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or paid the fine for any delinquency, or have been excused therefrom by the proper authority," be amended so as to read as follows: Section to be amended recited

75. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of five years, shall at his request receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty, and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or Section as amended. Exemptions.

paid the fine for any delinquency, or have been excused therefrom by the proper authority.

Penalty for disobedience, &c.

13. *And be it enacted*, That if any officer shall be guilty of neglect of duty, disobedience of orders, fraud, embezzlement, misappropriation of military funds, conduct unbecoming an officer and a gentleman or conduct prejudicial to good order and military discipline while on duty, he shall on conviction thereof, by a general court martial, be punished by reprimand, be cashiered or dismissed, as the court may adjudge by its sentence.

Prizes for skill.

14. *And be it enacted*, That the governor and commander-in-chief is hereby authorized, upon the recommendation of the state military board, to offer prizes for skill in marksmanship among the members of the national guard.

15. *And be it enacted*, That the first section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three, which reads as follows:

Section to be amended recited.

"1. *And be it enacted*, That whenever any regiment, battalion or battery shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander," be amended so as to read as follows:

Transportation furnished.

1. *And be it enacted*, That whenever any regiment, battalion or battery shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander and division commander.

Encampment.

16. *And be it enacted*, That in addition to the number of days for drill, now required by law, all the national guard may, once in three years, when so ordered by the governor, be required to attend an encampment at such time and place as the commander-in-chief may appoint, which encampment shall continue at least five consecutive days, during which time the troops shall be exercised in company and battalion movements and target practice, and be carefully instructed in the whole routine of camp and field duty.

17. *And be it enacted*, That whenever any existing company of the national guard is to be furnished for the first time with the regulation uniform adopted by this state, the quartermaster general is hereby authorized under the approval of the governor and commander-in-chief to furnish the same at the contract price upon the requisition of the regimental or battalion commandant, properly approved; and it shall be the duty of the quartermaster general to notify the comptroller of the treasury, on or before the first Monday in April, of the sum charged against each company, battalion and regiment for uniforms so furnished, issued to them by the quartermaster general, and that one-half of the amount so reported shall be by the comptroller of the treasury deducted from the annual appropriation from such company, battalion or regiment.

Regulation uniform, how furnished.

Contracts for uniforms, how paid.

18. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXIII.

An Act relative to public instruction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meeting for the election of school trustees in each of the several school districts of this state shall be held on the first day of July of each year, instead of the first Monday in September, as now provided by law; and that the term of office of any trustee which would otherwise expire on the first Monday in September in any year, shall expire on the first day of July of the same year; *provided*, that when the first day of July falls on Sunday, the annual meeting shall be held and the term of office of the trustees shall expire on the second day of July of each year.

Time for holding annual meeting for the election of school trustees.

Proviso.

Allowance of money to districts.

2. *And be it enacted*, That all districts entitled to three hundred and fifty dollars, as now provided by law, shall hereafter receive but three hundred dollars.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXIV.

A Further Supplement to the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Assessments for costs, &c., on lands and real estate for supplies of water not to exceed benefit conferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act approved the nineteenth day of March, in the year one thousand eight hundred and seventy-eight, supplemental to the act to which this is a further supplement, shall be construed to authorize or require an assessment upon the owners of lands and real estate, of more of the costs and expenses of the supply of water in said supplemental act provided for, than is equal to the benefits conferred thereby upon the said lands and real estate; and that such portion of said costs and expenses as shall not, for any reason, be assessed and collected in the mode provided by said supplemental act, shall be a debt or charge against the township receiving such supply, in its corporate capacity; and the township committee thereof shall cause the same to be paid out of any moneys of said township not otherwise appropriated, or shall cause the same to be assessed and collected by taxation, in the same manner as other township charges and expenses are raised and paid.

When to be a debt against the township.

2. *And be it enacted*, That the said township committee, before they proceed to make any assessment contemplated by this act, shall take and subscribe an oath or affirmation, before the clerk of said township, to make the said assessment fairly and impartially, according to the best of their skill and judgment. Township committee to subscribe an oath.

3. *And be it enacted*, That the said township committee, or a majority of them, shall make a report, by a certificate in writing, of the assessments so made, and before proceeding to sign the same, shall give an opportunity to the parties interested to examine the same, and shall give at least five days' notice, by advertisement or otherwise, to the parties interested, at what time and place in said township the said report may be examined by them; and also of the time and place, when and where the parties interested can be heard by the said township committee, or a majority of them; and after hearing the parties, the said township committee, or a majority of them, shall proceed to complete said report, making such alterations as they deem proper, and shall then sign the same, and deliver said report to the collector of said township. Report to be made in writing.

4. *And be it enacted*, That all acts and parts of acts, inconsistent herewith, be and they are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 14, 1879.

CHAPTER CLXXXV.

A Supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Proceedings for assessing vacant lots and lots with buildings in which water is not taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any municipal or other authority now empowered by law to use their discretion in fixing or omitting to fix annually a sum to be assessed upon vacant lots, and lots with buildings thereon in which water is not taken, may hereafter in their discretion, in lieu thereof, lay out a district in the territory through which their mains run or may from time to time be laid, to be known as the fire and water district, which district shall include all the real estate along which the mains run and extend in depth four hundred feet upon all lots whatever, and on all lots having buildings thereon two hundred feet beyond; *provided*, that when any lots having buildings thereon shall extend beyond the outside boundary line of said district so that any of said buildings shall be bisected by said line, then said outside boundary line shall be extended so as to include such buildings within said district.

Fire and water districts.

Proviso.

Proceedings when districts have been laid out.

2. *And be it enacted*, That when such district shall be laid out, the authorities managing said works may fix such gross sum as they shall deem proper, to be raised by taxation upon the real estate in said district, for the management of said works, and shall report the same to the common council on or before the first Tuesday of May in each year, and furnish a copy thereof to the assessors of taxes for the ensuing year; which sum shall be inserted in the tax levy of said ensuing year, to be

levied and collected out of the real estate of said district, as other taxes are levied and collected.

Mode of raising district fire and water tax.

3. *And be it enacted*, That for the purpose of raising such gross sum, which shall be designated as a "district fire and water tax," the assessors and board of assessors shall fix and review the valuations of all lands within said district, in the same manner as they now fix the valuations for tax purposes of all land in said city; and all proceedings now required or authorized to be taken for the assessment, collection and enforcement of the collection of taxes, shall be equally applicable to the assessment, collection and enforcement of collection of the district fire and water tax; *provided*, that nothing in this act shall apply to cities having over twenty-five thousand inhabitants.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXVI.

An Act relative to the time of appointing tax assessors in cities.

Preamble.

WHEREAS, in cities whose charters provide for the appointment of a tax assessor after the charter elections occurring in the spring, great inconvenience arises from want of time to prepare suitable lists of ratables to present to the county board of assessors, which meets in the month of June; therefore,

Appointment of tax assessor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having between five and six thousand inhabitants by the last state census, and whose charters prescribe that a tax assessor shall be appointed by the municipal authorities thereof, said authorities may appoint such tax assessor

during the months of February or March in the year of the passage of this act and during said months in every second year thereafter, who shall hold his office for the term of one year from the first day of April of the year during which said appointment is made, such office to be held subject to the provisions of the respective charters of said cities, except as herein provided.

Repealer.

2. *And be it enacted,* That should the powers granted under this act be exercised by the authorities of any city, as above stated, then and in that case all acts or parts of acts and all and any provision contained in the charter or the supplements thereto of any such city, so far as they relate to said city, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXVII.

A Supplement to the act entitled "An act to authorize the formation of gas light corporations and regulate the same."

Authorized to extend main pipes to neighboring city, town or village.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for any gas company now existing, whether by special charter or by organization under the act to which this is a supplement, or which may hereafter be organized thereunder, and which may be at any time actually engaged in the manufacture and supply of illuminating gas in the city, town or village for the supply of which the same was organized or chartered, to extend its main pipes to any neighboring city, town or village wherein no gas company already exists, for the purpose of supplying the same with illuminating gas; *provided,* the common

Proviso.

council, township committee or the municipal authority of such neighboring city, town or village shall grant permission for that purpose.

Rights and privileges when permissson shall be granted

2. *And be it enacted*, That when such permission shall be granted the said gas company shall have the same rights and privileges of laying gas mains and the like to and in such neighboring city, town or village as it has under its original organization in the city, town or village where it was originally located.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXVIII.

A Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Authorized to issue general and preferred stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any insurance company, organized under the laws of this state as a joint stock insurance company, shall have power to create and issue certificates for two kinds of stock, namely, general stock and preferred stock; which preferred stock shall at no time exceed two-thirds of the actual capital stock paid in, and shall be subject to redemption at par, at a fixed time to be expressed in the certificates therefor; and the holders of such preferred stock shall be entitled to receive, and the said company issuing such stock shall be bound to pay thereon a fixed half-yearly sum or dividend, to be expressed in the said certificate, not exceeding four per centum, before any dividend shall be set apart or paid on the said general stock, and the holders of such preferred stock shall incur the same personal liability for the debts

Dividends on preferred stock.

and liabilities of such company as is charged upon or incurred by the holders of the common or general stock, and in case of insolvency such debts or other liabilities shall be paid in preference to such preferred stock; *provided always*, that no such company shall create or issue certificates for such preferred stock except by the authority and consent of at least three-fourths in number of the general stockholders of said company, who shall hold at least two-thirds of the stock thereof, which consent shall be expressed in writing over the signature of such general stockholders.

Proviso.

Preferred stock declared legal and valid.

2. *And be it enacted*, That stock purporting to be preferred stock, heretofore created or issued by any joint stock insurance company organized under any law of this state, shall in all respects be legal and valid, the same as if such stock had been created and issued by virtue of the authority given by this act; *provided*, such preferred stock shall conform to the provisions of the first section of this act, and shall have been authorized by the consent of at least four-fifths of the general stockholders of such company, expressed in writing, previous to the issue or purported issue thereof.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXIX.

A Supplement to the act authorizing the incorporation of rural cemetery associations, approved March fourteenth, one thousand eight hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement and which section reads as follows:

"10. *And be it enacted*, That the cemetery lands and property of any association (and bonds and mortgages given to secure the purchase money by act of one thousand eight hundred and sixty-eight) formed pursuant to this act shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue, or thoroughfare, shall be laid through such cemetery, or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state," be and the same is hereby amended so that the said section shall read: Section to be amended recited

10. *And be it enacted*, That the cemetery lands and property of any associaton (and bonds and mortgages given to secure the purchase money by act of 1868) formed pursuant to this act and actually used for cemetery purposes, shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue or thoroughfare, shall be laid through such cemetery or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state. Section as amended. Exemption from tax.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXC.

Supplement to an act respecting conveyances [Revision], approved March twenty-seventh, anno domini, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, Commissioners of deeds, in and for this state, in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, and innocent persons may be subject to loss or injury thereby; therefore,

Acknowledgments confirmed and made legal and valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings and certificates thereof, heretofore taken or made before or by any commissioner of deeds, in and for this state, whose term of office had expired or whose offices had been vacated at the time of taking such acknowledgment or proof, and the certificate thereof, and the records of such deed, mortgages and other writings, are hereby confirmed and made valid, and legal and effectual to the extent that the same would have been valid, legal and effectual, if the term of office of the commissioner taking such acknowledgment or proof had not expired.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCI.

An Act in relation to bridges across the Morris canal.

WHEREAS, by the twelfth section of the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, one thousand eight hundred and twenty-four, it was provided "that when the said canal shall cross any public road or farm, it shall be the duty of the company, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the usage of the said road, or farm, by reason of the said canal crossing the same;" *and whereas*, the said company have, from time to time, raised their bridges across said canal, and in one thousand eight hundred and seventy-three adopted an ordinance providing that all bridges thereafter constructed across their canal should be so built that the lowest part of any bridge should be ten feet from the water; *and whereas*, in pursuance of said ordinance many of their bridges have been since raised, and the company have required the boards of chosen freeholders of the several counties intersected by said canal also to conform to said ordinance; Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bridges over the Morris canal and its feeders, hereafter to be built or rebuilt, shall be so constructed as to leave a clear space of ten feet from the usual high water mark of said canal to the lowest part of said bridge, and it shall not be lawful for the Morris canal and banking company to raise any bridge across their canal, or any of its feeders, so far above the present height thereof that the upper side of the flooring of such bridge shall be, in the highest point, more than twelve and a half feet above the said usual high water Height of bridges determined.

mark of said canal or feeder, where crossed by such bridge; nor shall it be lawful for said company to prevent or interfere with the erection of any bridge across said canal or its feeders, which shall be constructed as herein directed; *provided*, such bridge shall be in other respects legal and proper.

Proviso.

Width and grade of approaches to bridges.

2. *And be it enacted*, That if said company shall hereafter raise any of their bridges in the line of any public highway above the present height thereof, it shall be their duty to so fill in the approaches thereto that the grade shall not be more than one foot in ten, and to make the said approaches at least one rod wide.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCII.

An Act for the relief of Peter F. Anderson.

Preamble.

WHEREAS, Peter F. Anderson, at the time a resident of the city of Trenton, county of Mercer, state of New Jersey, did on the twenty-sixth day of July, anno domini one thousand eight hundred and sixty-one, enlist into the military service of the United States, from the State of New Jersey, for the term of three years or during the war; *and whereas*, after being so enlisted he was placed in a New York regiment, to wit: "company 'D' forty-eighth New York volunteers;" *and whereas*, in consequence of his being thus placed in said New York regiment, he was refused payment of the sum of two dollars per month state pay for himself from date of enlistment to April sixth, one thousand eight hundred and sixty-four, when he was married, and thereafter to September first, one thousand eight hundred and sixty-five, when he was discharged, he

was refused payment of the sum of six dollars per month state pay for the relief of his family, to which he should have been entitled under the laws of this state had he been placed in a New Jersey regiment; *and whereas*, he was refused payment of state pay by the state of New York for the reason that he was a citizen of the state of New Jersey, whose family continued to reside in the state of New Jersey; *and wheaeas*, said Peter F. Anderson has never received any state pay either from the state of New York or the state of New Jersey; therefore,

Treasurer to pay money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and directed to pay to the said Peter F. Anderson, a resident of the city of Trenton, county of Mercer, and state of New Jersey, the sum of one hundred and sixty-five dollars and sixty-six cents, being the amount due to him for four years one month and twenty-five days in the military service of the United States.

Appropriation.

2. *And be it enacted*, That the sum required to pay the said Peter F. Anderson, as provided for in the first section of this act, be and the same hereby is appropriated for that purpose out of any money or moneys in the treasury of this state, not otherwise appropriated.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCIII.

An Act for the relief of the legal representatives of the late Timothy Field.

Preamble.

WHEREAS, the late Timothy Field agreed with the commissioners for the enlargement of the state prison to do certain iron work required, according to a written contract made between the said parties; *and whereas,* in the said written contract, the price was, by a clerical error, fixed at one thousand dollars less than the sum total of the detailed estimates, as afterwards shown to the said commissioners, and on which the said contract was founded; *and whereas,* the said contract was fully performed by the said Field, and the said commissioners admit the error in the contract price as stated, and wish to correct it, but have no power to do so; now therefore,

Commissioners to audit and allow in addition to amount of contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the said, the commissioners for the enlargement of the state prison, be and they are hereby authorized and directed to audit and allow to the legal representatives of the said Timothy Field, the said sum of one thousand dollars in addition to the sum named in the contract between the said commissioners and the said Timothy Field, to be paid for work done in enlarging the state prison.

State treasurer to pay on the warrant of comptroller.

2. *And be it enacted,* That the state comptroller is hereby authorized to draw his warrant upon the treasurer for the said sum of one thousand dollars in favor of the legal representatives of Timothy Field, deceased, upon receipt of a certificate from the said commissioners, that they have audited and allowed the said sum in accordance with the provisions of the foregoing section; the said sum to be paid out of the unexpended balance of the appropriation for the enlargement of the state prison, by

act of March eighth, one thousand eight hundred and seventy-seven.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCIV.

An Act to authorize the payment of moneys due to the water commissioners of the city of Trenton for water furnished to the state for the use of the prison.

Preamble.

WHEREAS, The state prison has been for several years furnished with water from the Trenton water works, pursuant to a contract made between the water commissioners of the city of Trenton and the inspectors of the state prison, bearing date on the seventh day of July, one thousand eight hundred and sixty-nine; *and whereas*, it is alleged that owing to clerical errors in calculation the state was charged and has paid a much less sum than was justly due according to the terms of said agreement, for the quantity of water actually furnished to and used by the state, and that there is now justly due to the water commissioners a large sum of money amounting to nearly six thousand dollars; therefore,

Comptroller to audit, adjust and settle bills for water furnished state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury be and he is hereby authorized and directed to examine, revise, audit, adjust and settle the bills and accounts rendered by the water commissioners of the city of Trenton, for water furnished from the Trenton water works for the use of the state prison during the times when any errors are alleged to exist, either by said commissioners or by the inspectors of the prison, and to ascertain upon sworn evidence what amount (if any) is justly due and owing

to said commissioners according to the terms of said agreement, for water furnished for the use of the prison, as aforesaid; and for the sum so found and proved to be due to draw his warrant on the state treasurer in an amount not exceeding six thousand dollars, who is hereby authorized to pay the same to the said water commissioners out of any money in the treasury not otherwise appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCV.

A Supplement to "An act relative to the publication of the laws of the state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Publication of legal notices in newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, any sheriff, coroner, master in chancery, executor, administrator, guardian, commissioner, auditors or person authorized or required by any public statute or direction of any court of competent jurisdiction in this state to make sale of any lands, tenements, hereditaments or real estate, may, and are hereby empowered to publish notice of such sale in two newspapers published in the county, of which two newspapers one may be a newspaper printed and published nearest to the place in the county in which such land is situated; *provided*, such newspaper has been regularly published for the term of two years or more.

Proviso.

Notices legalized.

2. *And be it enacted*, That any advertisement or notice published in said newspapers shall have the same effect,

and be as legal as if published in any other papers in said respective counties.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCVI.

An Act to amend "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, and amended April fifth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be amended recited

"4. *And be it enacted*, That when there shall exist in any city, borough or township of this state an organized fire department, and one or more charitable associations or organizations for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all the moneys received by the secretary of state as herein provided, as payment of the tax of two per centum upon the premiums received by the agents of foreign fire insurance companies within the limits of such city, borough or township, shall be received for the benefit of, and be appropriated and applied to the use of the charitable fund of the said fire department; and the secretary of state, before the first day of April in each year, shall upon due proof of the bona fide existence of such an organization, by the certificate of the president and clerk or secretary of the organized fire

department in such city, borough or township, pay over the sums by him received for the benefit of said charitable fund during the preceding year, as above provided, to the officer or officers of said organization designated in said certificate, taking a proper receipt therefor; that every organization receiving or that have received such moneys as aforesaid, shall annually, on the first day of April, file with the secretary of state a detailed statement of all investments made of said fund, the amount thereof, and a detailed statement of all expenditures made therefrom, showing the date thereof, the amount, and the person to whom paid and for what purpose; and the said organized fire department, where there are two or more such organizations, may in case of neglect of any one to file such statement, or in case of misappropriation of said funds or of failure on the part of any such organization to expend said funds equally among all disabled or incapacitated firemen in said city, borough or township, direct such defaulting charitable organization to pay over all the funds received by it and unexpended according to law, to any other existing charitable organization for disabled or incapacitated firemen, named by said organized fire department, and may in case of refusal so to do, sue for and recover such sums by suit in law or in equity, and when recovered shall pay over the same to the said charitable organization so named by them as aforesaid; *provided*, that nothing in this section contained shall require any organization now existing under any present or past volunteer fire department to pay any of its funds to any organization under any present or future paid fire department," be and the same is hereby amended so as to read as follows:

Section as amended.

4. *And be it enacted*, That when there shall exist in any city, borough or township of this state, an organized fire department and one or more charitable associations or organizations for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all moneys received by the secretary of state, as herein provided, as payment of the tax of two per centum upon the premiums received by the agents of foreign fire insurance companies within the limits of such city, borough or township, for policies

Payment of tax on premiums for insurance companies.

issued upon property within the limits of such city, borough or township shall be received for the benefit of, and be appropriated and applied to the use of the charitable fund of the said fire department; and the secretary of state, before the first day of April in each year shall upon due proof of the bona fide existence of such organization by the certificate of the president and clerk, or secretary of the organized fire department in such city, borough or township, pay over the sums by him received for the benefit of said charitable fund during the preceding year, as above provided, to the officer or officers of said organization designated in said certificate, taking a proper receipt therefor; where there are two or more such organizations in any city, borough or township receiving or that have received such moneys as aforesaid each of such organizations in such city, borough or township shall, annually on the first day of April, file with the secretary of state, a detailed statement of all investments made of said fund, the amount thereof, and a detailed statement of all expenditures made therefrom, showing the date thereof, the amount, and the person to whom paid, and for what purpose; and the said organized fire department, where there are two or more such organizations, may, in case of neglect of any one to file such statement, or in case of misappropriation of said funds, or of failure on the part of any such organization to expend said funds equally among all disabled or incapacitated firemen in said city, borough or township, direct such defaulting charitable organization to pay over all the funds received by it and unexpended according to law, to any other existing charitable organization for disabled or incapacitated firemen named by said organized fire department, and may in case of refusal so to do, sue for and recover such sums by suit in law or in equity, and when recovered shall pay over the same to the said charitable organization so named by them as aforesaid; *provided*, that nothing in this section contained shall require any organization now existing under any present or past volunteer fire department to pay any of its funds to any organization under any present or future paid fire department.

Annual statements to be made to the secretary of state.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXCVII.

A Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-nine of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which reads as follows:

Section to be amended recited

"49. *And be it enacted*, That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto, with his own hand, and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto, with his own hand," be amended so as to read as follows:

Section as amended

Statement of the result of election, and certificate thereto, how made and executed.

49. *And be it enacted*, That the board of election shall make, or cause to be made, a true and exact copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto, with his own hand, and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto, with his own hand, and where there are two polling districts in any township, the officers thereof shall perform their duties in like manner, and forward the return thereof to the

clerk of the county within the time provided by law, and such copy shall then be delivered by such board to the clerk thereof; and if such clerk shall be the clerk of the city or township in which the election shall have been held, he shall, as the clerk of such city or township, preserve such copy so delivered to him among the papers of such city or township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such city or township, he shall, within two days next after the day of such election, deliver the same to the clerk of such city or township, to be by him preserved and delivered over to his successor as above directed; and every such copy in the possession of the clerk of any city or township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose; and it shall be the duty of every such clerk to furnish a certified copy thereof to any legal voter in said city or township who shall apply for the same and make payment in advance at the rate of ten cents for every one hundred words.

Adjournment.

2. *And be it enacted*, That any such board of county canvassers may, if necessary, in addition to the adjournment provided for in section sixty-one of the act to which this is a supplement, make a second adjournment, but not for a longer period than three days.

Proceedings in case of adjournment.

3. *And be it enacted*, That whenever any board of county canvassers shall find it necessary to adjourn, as provided in the foregoing section, and in the afore-mentioned section sixty-one of the act to which this is a supplement, all statements of the result of an election in any township, ward or district which shall have been delivered to such board, or to any member thereof, shall in the presence of such board, and before it shall adjourn, be securely enclosed and sealed by the chairman thereof, and by him delivered to the county clerk for safe keeping until the next meeting of such board.

Section of act not to apply.

4. *And be it enacted*, That section one hundred and seventy-seven of the act to which this is a supplement, shall not be construed to apply to members or clerks of boards of election in the performance of their duties as such members or clerks.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 14, 1879.

CHAPTER CXCVIII.

An Act respecting the salaries and compensation of president judges of courts of common pleas.

Amount of annual salary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual salary of the law or president judges of the courts of common pleas in all counties of this state having, by the state census of one thousand eight hundred and seventy-five, a population of more than seventy-five thousand inhabitants, shall hereafter be the sum of five thousand and five hundred dollars, and no more, which said salary shall be in lieu of all fees, per diem, or other remuneration or compensation whatsoever, for any and all services required to be performed by said judges by any law of this state, or in any of the courts of said counties, and shall be paid to said judges by the board of chosen freeholders of said counties respectively, in quarterly payments, and all fees to which such judges are now entitled shall be paid into the treasury of said counties respectively.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this shall be a public act and take effect immediately, saving and excepting that so far as the same increases or diminishes the salary, per diem, fees or compensation of any of said judges now in office, during the term for which such judge was appointed, it shall take effect only upon and immediately after the end of such term.

Approved March 14, 1879.

CHAPTER CXCIX.

An Act respecting the compensation of the clerk in chancery, and the clerk of the supreme court of this state.

Fees for copy and enrolling.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery and the clerk of the supreme court of this state shall each be entitled to receive for copies and enrolling proceedings, for each folio of one hundred words, four cents and no more.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed in so far as they are inconsistent herewith, and this shall be a public act and take effect immediately; saving and excepting that so far as the same increases or diminishes the fees or allowance of any public officer now in office, during the term for which such officer was appointed, it shall take effect only upon and immediately after the end of such term.

Approved March 14, 1879.

CHAPTER CC.

An Act directing payment of the debt of the state secured by mortgage on the boarding house property owned by the state connected with the Normal School.

Preamble.

WHEREAS, the debt of the state of New Jersey, secured by mortgage on the boarding house property owned by the state connected with the Normal School, referred to in the governor's message and set forth in the last annual report of the trustees of the Normal School, amounting to thirty-five thousand dollars, bears seven per centum interest per annum, which interest has been paid each year; *and whereas*, it is desirable that such debt should be paid and the payment of interest thereby cease;

State treasurer authorized to make payment out of the treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole amount of principal secured by said mortgage now remaining unpaid, not exceeding thirty-five thousand dollars, and the interest thereon from the date to which interest has been paid, shall be paid by the state treasurer out of the revenues of the state, aside from such as shall be received by a tax upon the people; and that upon the surrender and delivery at any time of the said mortgage and all evidence of the indebtedness secured thereby to the comptroller of the state, by the holder of said mortgage, so that the same may be cancelled of record, the said comptroller shall deliver to such holder of said mortgage a warrant signed by him, upon the treasurer of the state, in favor of such holder of said mortgage, for the sum necessary to pay in full the amount secured thereby remaining unpaid, and the treasurer shall pay said warrant when duly presented.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCI.

An Act to provide for the support of the state industrial school for girls.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance, and to defray the expense of a small addition to the school building, the sum of five thousand dollars is hereby appropriated, which sum the treasurer is directed to pay on the warrant of the comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCII.

An Act concerning certain boroughs.

Commissioners of streets to pass ordinances to regulate grades, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of streets of any borough in this state having less than two thousand inhabitants, shall have the full power and authority to pass ordinances to regulate and grade the wagon ways, gutters and water courses of the public streets in said boroughs, and shall have an authority to exercise all such powers as are now or hereafter by law may be vested in township committees in this state, relating to highways.

Additional money necessary, how as-

2. *And be it enacted*, That any and all additional sum or sums of money to be used for the purposes aforesaid,

sessed and collected.

shall be assessed, collected and paid over in the same manner as other taxes are assessed and collected in townships in this state; *provided*, that said additional sum shall not exceed one thousand dollars, nor be less than five hundred dollars; *and provided also*, that no money raised at any town meeting of any township wherein said borough is situate, to be used for road purposes outside of the limits of said borough, shall be assessed upon the persons or property within the limits of said boroughs; *provided further*, that no money raised at any town meeting of any township wherein said borough is situated to be used for road purposes within the limits of said borough shall be assessed upon the persons or property outside the limits of said boroughs.

Proviso.

Proviso.

Poll tax.

3. *And be it enacted*, That every legal voter resident in said borough shall annually be assessed a head or poll tax of one dollar each, which said sum so assessed shall be collected and paid as other taxes are assessed and collected in townships in this state.

Poll tax, how employed.

4. *And be it enacted*, That the head or poll tax so ordered to be raised shall be used for the purpose of lighting the street lamps only; all borough taxes shall be assessed and collected by the assessor of the township wherein said borough is situate, by a separate and distinct assessment, in the same manner and for one-fourth of the compensation as other taxes are assessed and collected in townships in this state, which sum of money so raised shall be paid by the collector of said township upon presentation to him of an order signed by the said commissioners of streets, or a majority of them.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCIII.

An Act in relation to the lighting of streets and public places in certain townships and cities.

Common council or township committee authorized to cause any street or streets to be lighted with gas, or otherwise.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the streets or any of them, in any city or township of the said state, have been or are lighted with gas or oil, under or in pursuance of any authority conferred by the legislature upon such city or township, it shall hereafter be lawful for the common council or township committee of any such city or township, by resolution or ordinance, and from time to time to order and cause any street or streets, and any public place or places or any part or parts thereof, in any such city or township, to be lighted with gas or otherwise, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, lanterns and fixtures, and to make and enter into any contract or contracts in relation to the same; and to cause the annual expense thereof, after being ascertained and determined by a resolution of said common council or township committee, to be certified by the city or township clerk unto the assessor or assessors of said city or township; and that such annual expense shall thereupon be levied, assessed and collected from all the real and personal property in the said city or township, respectively, in the same manner, at the same time, and under the same penalties (but without any extra compensation therefor), as the taxes for the working or repairing of roads or streets in said city or township are or may be; *provided, however*, that in making such assessment of the tax hereby authorized, the said assessor or assessors shall not be restricted or controlled in any way whatsoever, by any limitation in any act of the said legislature contained, whereby the amount of

Proviso.

any tax to be raised in such city or township is limited to a certain percentage upon the valuation of the assessed property in such city or township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCIV.

An Act concerning official fees and rendering an account thereof.

Clerk in chancery and clerk of supreme court to keep record of fees &c., and make quarterly reports to comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery and the clerk of the supreme court, of this state, shall severally keep a true record of all the fees and compensation received by them for their own use from all sources, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the comptroller of this state, on the first day of July next and quarterly thereafter, of the gross amount of all such fees and compensation so received by them respectively during the next preceding quarter.

Secretary of state to make quarterly report to comptroller.

2. *And be it enacted*, That the secretary of state of this state shall keep a true record of all the fees and compensation received or taken by him for his own use as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court and register in the prerogative office, clerk of the court of pardons and commissioner of insurance, or in any other official capacity, from all sources, under the provisions of any law of this state, and shall make a statement, account and report, under oath, to the comptroller of this state, on the first day of July next and quarterly thereafter, of all such fees and compensation, showing separately and

distinctly the gross amount of each class or particular kind of fees and compensation, under proper headings, received by him in the capacities above mentioned, or in any other official capacity, during the next preceding quarter.

Sheriff and Surrogate to make report to county collector.

3. *And be it enacted*, That the sheriffs and surrogates of the several counties of this state, shall respectively keep a true record of all the fees and compensation received by them for their own use, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the collector of their respective counties, on the first day of July next, and quarterly thereafter, of the gross amount of all such fees and compensation, so received by them, respectively, during the next preceding quarter, and the collectors of the respective counties of this state shall forthwith file in the office of the county clerk of their county, every statement, account and report, made to them under this act.

Statements and reports to be public files.

4. *And be it enacted*, That all such statements, accounts and reports, made and filed, under the provisions of this or any other act, shall be kept and remain on the public files of the office in which they are filed, the same as other papers filed therein, and all statements, accounts, and reports made to the comptroller of this state under the provisions of this act shall be by him included in each of his annual reports to the legislature.

Penalty for refusal or neglect to make report.

5. *And be it enacted*, That whenever by the provisions of this act, or of any other act, any person holding any office in this state is required to make or render to the comptroller, or other state officer, or to any county collector or other county officer a statement, account or report of the fees and compensation received by him for his use in such office, in detail or in gross, and such person shall refuse, fail or neglect to render such statement, account or report, in the manner and at the time prescribed by law, said person so refusing, failing or neglecting shall, for every such refusal, failure or neglect, be liable to a penalty of one hundred dollars, to be sued for and recovered, with costs of suit, by the comptroller or other state officer to whom such statement, account or report is required to be made, for the use of the state, or

by the collector or other county officer to whom such statement, account or report is required to be made, for the use of the county, in an action of debt in any court of competent jurisdiction in this state, and it is hereby made the duty of such comptroller or other state officer and of such collector or other county officer, to promptly bring and prosecute said suit; *provided*, that the fixing or enforcing of any penalty provided for in this or any other act, for such refusal, failure or neglect, shall not prevent or be construed to prevent the supreme court, or any other competent court or any judge thereof, from granting and issuing and enforcing a writ of mandamus or other order, to compel the making of such statement, account or report in every case.

Penalty for making false oath.

6. *And be it enacted*, That if any person shall falsely swear or affirm in the making of any affidavit or affirmation provided for by this act, the person so offending shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties provided by law therefor.

Repealer.

7. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as they are inconsistent herewith, and that this shall be a public act and take effect immediately.

Approved March 14, 1879.

CHAPTER CCV.

A Further Act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same.

Taxes and all costs, fees and expenses in relation to levy, assessment and collection of

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, against any person or

persons or corporations, for and on account of any lands, tenements, hereditaments or real estate situate, lying and being in this state, together with lawful interest thereon accruing, and all costs, fees, charges and expenses in relation to the levy, assessment and collection of said taxes, shall be, become and remain, from and after the date of such levy and assessment, a full and complete first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for the space of two years from the time when such taxes so assessed were payable, and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every kind and nature, of, in, upon or against such lands, tenements, hereditaments or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interests, costs, fees, charges and expenses. taxes to be a first lien.

2. *And be it enacted*, That in case any taxes, specified in the last preceding section, together with the interest thereon, and costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of six months, from and after the time when payable, then and in every such case it shall be lawful for the township committee, or a majority of them, to issue their warrant, which warrant may include the names of any number of delinquent owners and the description of each of their lands, tenements, hereditaments or real estate, on account of which such taxes were assessed, under the common seal, if any, of the township, signed by the chairman thereof, and attested by the township clerk, directed to the collector of the said township, therein and thereby commanding him to make said taxes, with the interest, costs, fees, charges and expenses as aforesaid, out of the lands, tenements, hereditaments or real estate, on account of which the same were assessed and incurred as aforesaid, by selling the same, or any part thereof, as will be sufficient for that purpose for the shortest term for which any person or persons will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant, with Proceedings for the collection of unpaid taxes &c. Tax warrant.

all his proceedings thereunder, in writing, within four months from the date thereof, to said township committee.

Tax warrant to be recorded.

3. *And be it enacted*, That the said warrant shall be recorded by the clerk of said township before its delivery to said collector in a book provided for the purpose to be known as the "record of tax sales."

Collector to give notice of time and place of sale.

4. *And be it enacted*, That it shall and may be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lands, tenements, hereditaments or real estate under this act by advertisement, signed by such collector, in a newspaper printed and published in said township, or in the county wherein such lands, tenements, hereditaments or real estate are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall cause copies of such notice to be set up in five of the most public places in said township for the same period, one of which must be at or near the lands, tenements, hereditaments or real estate to be sold, and shall forthwith mail a copy of such notice to the owner or owners, directed to him, her or them, at his, her or their last known post office address, with full postage prepaid thereon; *provided*, such sale may be adjourned on application of the owner or other person interested therein, or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in the said newspaper.

Proviso.

Collector to sell.

5. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lands, tenements, hereditaments or real estate set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such

Certificate of purchase.

sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of tax, interest, costs, fees, charges and expenses in detail, the year for which assessed, the time when the right to redeem shall expire, and the date of the warrant under which the sale was made.

Collector to make return of warrant and all proceedings, &c.

6. *And be it enacted*, That the said collector shall make return of said warrant within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto the copy of the notices required by this act, to be by him given, published, mailed and posted, with due proof of such publication, posting and mailing, together with a true copy of the certificate of sale and acknowledgment referred to in the preceding section, and that he shall annex to said return, an oath or affirmation in writing, that the said return is true, full and complete in all respects, and that the same sets forth all of his acts and proceedings under said warrant, and that true copies of all the notices required by him to be given by this act are annexed thereto, and that the certificate of sale thereto annexed is a true copy of the original given by him to the purchaser.

Clerk to record return, &c.

7. *And be it enacted*, That the clerk of said township shall record such return (the warrant only excepted) and the papers thereto annexed, in the aforesaid "record of tax sales," at length immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of sale to be recorded.

8. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office within the county where the lands are situate, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate and to all the rents, issues and profits arising therefrom on and after the date of such certificate, and in case the said premises are occupied by the owner or owners thereof, the purchaser shall give notice in writing to such owner or owners, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, of such sale, and demanding possession of such premises within thirty days after service thereof

as aforesaid, and at the same time exhibit to the person so served, the aforesaid certificate, and if at the expiration of the said thirty days the said owner or owners shall not deliver up possession thereof, then and in that case the purchaser may take the same proceedings to gain possession of such lands and premises as purchasers under decrees of foreclosure and sale of mortgaged premises.

Time within which lands sold may be redeemed.

9. *And be it enacted*, That the owner or owners, mortgagee, occupant or any other person having a legal or equitable interest in any lands, tenements, hereditaments or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the date of such sale by paying to the purchaser or his legal representative the amount of purchase money set out in detail in said certificate, with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser upon receiving such payment, if made by the owner or owners thereof, shall recover and restore to such owner or owners such real estate, and in case the owner or holder of any estate in lien upon or right of possession of such real estate so sold, shall pay to the purchaser within the said two years the aforesaid purchase money, interest, fees, costs, expenses and charges, the sale shall be of no farther effect, and the mortgagee or other person so redeeming shall have a lien on the said premises for the amount paid, with twelve per centum interest thereon, in like manner as if the same had been included in his, her or their mortgage, or other lien.

Execution of deed to purchaser by township committee.

10. *And be it enacted*, That in case such lands, tenements, hereditaments or real estate so sold shall not be redeemed within the time provided for by this act, then and in that case the township committee upon due proof being made by affidavit that such redemption has not been made, and the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the township, signed by the chairman of such township committee and attested by the township clerk, and acknowledged according to law, which deed shall contain a description of the property,

the year of the tax assessment, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the clerk's office of the county where the lands are situate within ten days after date thereof, and if not so recorded, the same shall be of no effect until so period as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record, notwithstanding the lapse of the aforesaid two years; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements, hereditaments or real estate, for and during the term for which he, she or they shall have purchased the same for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devises, descents, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty at or before the expiration of the said term to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took the possession of the same, damage resulting from the ordinary use and the elements excepted.

Record of tax sales to be evidence, &c.

11. *And be it enacted*, That the aforesaid "record of tax sales" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Sale of lands &c. not to affect lien of any mortgage.

12. *And be it enacted*, That no sale of lands, tenements, hereditaments or real estate made in pursuance of this act, shall

destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such mortgagee or mortgagees within three months from the date of such sale notice in writing, setting forth the date of such sale the amount of purchase money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found then by mailing the same enclosed in an envelope plainly directed to him, her or them, at his, her or their last known post office address, with full postage pre-paid thereon, and the purchaser shall within twenty days after the service of said notice transmit a true copy of such notice with due proof of service to the clerk of the county in which such lands are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded and a marginal note made thereof, in the book where the original mortgage is recorded or registered, for which service the county clerk shall receive the sum of eight cents a folio to be paid by the purchaser.

Township collector to make annual return of unpaid taxes.

13. *And be it enacted*, That it shall be the duty of the township collector of each township on or before the first day of February in each year hereafter to make return in writing to the clerk of the county in which his township is situate, of all unpaid taxes assessed the preceding year on real estate situate in his township, setting forth against whom assessed, the date, description of the property, the amount of tax thereon, to which he shall affix an oath or affirmation in writing to the effect that the same is just, true, full and complete in every particular, as shown by his tax duplicate, and for such service he shall be paid by his township the sum of two cents for each name so returned; and in case the said collector shall neglect or refuse to make such return as herein provided, he shall forfeit and pay to the township the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Clerk to make record.

14. *And be it enacted*, That the clerk of said county, upon receipt of such returns, shall record the same at

length in separate books provided for the purpose, respectively, for each township in his county, and shall properly index the same, which books shall be at all times open for public inspection, free of charge, and the said clerk shall receive for the aforesaid service the sum of five cents for each name in said return, to be paid by the township returning the same, and it shall be lawful for said clerk in making searches on request, for unpaid taxes to charge ten cents per year for each name searched against.

When tax shall cease to be a lien.

15. *And be it enacted*, That in case such tax return shall not have been made at the time herein provided, or in case a name or names shall have been omitted from such return, then and in that case, such tax shall cease to be a lien upon such real estate as against a purchaser or mortgagee in good faith.

Expenses, &c., incurred for services to be included in amount to be paid by delinquent.

16. *And be it enacted*, That upon the payment of such taxes so returned, the fees, charges and expenses incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon payment of such taxes, costs and expenses, the collector who shall receive the same shall give a certificate of satisfaction thereof, duly acknowledged, to the person paying the same, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as mortgages are by law satisfied, and shall file such satisfaction piece in his office.

Collection of tax now due.

17. *And be it enacted*, That any tax now due on any lands, tenements, hereditaments, or real estate in any township of this state may be collected under this act in the manner prescribed herein.

Act not to affect provisions of any charter of any city, village or borough whereby the collection of taxes is regulated.

18. *And be it enacted*, That this act shall not be construed so as to alter, modify, affect, annul or repeal the provision of any charter of any city, village or borough whereby the collection of taxes is regulated, and the taxes assessed and to be assessed in any such city, village or borough shall be levied, assessed and collected as heretofore, and the lien of taxes on lands in any such city shall be and remain as now regulated, and nothing in this act shall be held to impair, alter or affect the said lien in any way whatsoever, this act being intended to apply to townships in this state and not other municipalities.

Repealer.

19. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, except as aforesaid, be and the same are hereby repealed.

20. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCVI.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

Certificates to be made of desire on part of Company to accept provisions of act, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company formed under and pursuant to "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved the second day of March, one thousand eight hundred and forty-nine, and the several supplements thereto, may come under and be subject to the provisions and liabilities of the act to which this is a supplement, in the same manner as if formed under the same, if such company make a certificate, under the hands of the president and directors of the company, that said company desires to come under the said provisions and liabilities, which certificate shall be acknowledged, recorded and filed in the same manner as the certificate required by this act; and such company, on the recording and filing of said certificate, as aforesaid, shall be free from the liabilities and provisions of the said act under which said company was formed; *provided*, that nothing in this supplement contained shall be held to affect any transaction, liabilities or debts of any such company heretofore done, accrued or contracted.

Proviso.

Taxation of capital stock and surplus.

2. *And be it enacted*, That all corporations, whether manufacturing corporations or otherwise, organized or

acting under the provisions of this act, or the act to which this is a supplement, shall hereafter be taxed upon their capital stock at its actual value, and accumulated surplus.

3. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed, and that this act shall go into effect immediately. Repealer.

Approved March 14, 1879.

CHAPTER CCVII.

An Act in relation to the compensation of president judges of the courts of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever an annual salary is now authorized, by law, to be paid to any law or president judge of any court of common pleas of any county in this state having less than one hundred thousand inhabitants, such judge shall receive no per diem allowance nor any fees, and any fees now allowed by law to be paid to such judge, shall hereafter be paid into the county treasury. Per diem allowance and fees to be paid into county treasury.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCVIII.

An Act relative to public printing.

Printing, how executed.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated and indexed under the two heads of general public acts, special public and private acts; *also*, the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journal of the senate and minutes of the joint meetings, and executive sessions, and the minutes of the house of assembly shall be printed in the same compact and workmanlike style in which the said work was done in the year one thousand eight hundred and seventy-two; *also*, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for said printing shall be as follows: for printing four thousand copies of the session laws, the sum of thirty-four dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of seventy cents per thousand ems for composition, and seventy cents per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages; and for printing the pam-

Senate journal, minutes of assembly and legislative documents.

Public bills.

Compensation to be paid.

phlets and other papers ordered by the legislature, at the rate of seventy cents per thousand ems for composition, and seventy cents per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated; and where matter requires two justifications, without rules, one price and a half shall be paid; *and provided further*, that seventy-five cents extra per page, shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journal of the senate, and minutes of the house of assembly.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than forty pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flatcap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in January; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller, before the allowance by him of any bill for paper on which any public printing shall be executed.

Work to be completed; how done.

Paper, quality and description.

Price of paper.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in one volume, under the title of "Legislative Documents;" and no document or report shall be embraced in said volume, unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volume of documents, there shall be

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

Number of copies to be printed.

one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume, in the order in which they are arranged; when any document shall be ordered to be printed more than once, at periods more than five days apart, the printer thereof shall be entitled to charge consideration as above provided for, each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Officers to furnish copy.

3. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses, to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary, and the persons designated to print the said minutes and journal shall finish their work and deliver it to the state treasurer within four months from the time of receiving the copy therefor, under a penalty of five hundred dollars.

Indices and compensation therefor.

4. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively who may be empowered to execute said printing; and the sum of seventy-five dollars each shall be allowed the said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last-named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and sev-

enty-six; the indices to the senate journal, and to the assembly minutes, shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Current printer.

6. *And be it enacted*, That John L. Murphy, of Trenton, be employed to print the bills of the senate and assembly and such other document printing as may be ordered by the two houses.

Senate journal and minutes of joint meeting, &c.

7. *And be it enacted*, That McCowan & Nichols, of Bridgeton, county of Cumberland, be employed to print one thousand copies of the senate journal and minutes of joint meeting and executive session for the current year, in compact form, as per journal of one thousand eight hundred and seventy-two.

Minutes of the house.

8. *And be it enacted*, That Z. K. Pangborn, of the city of Jersey City, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and seventy-two.

Laws, when to be delivered.

9. *And be it enacted*, That Messrs. Vance & Stiles, of Morristown, be employed to print four thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Vance & Stiles shall have received the copies thereof, and on failure thereof, the said Vance & Stiles shall forfeit the sum of five hundred dollars, which the said treasurer is authorized to withhold and deduct from the amount due them for printing the said copies.

Documents.

10. *And be it enacted*, That Thomas T. Kinney, of Newark, be employed to print one thousand copies of the legislative documents of the current year.

Certain reports.

11. *And be it enacted*, That Josiah Ketcham, of Belvidere, be employed to print the reports of the state board of agriculture, the state prison, and the state normal school.

Annual reports of State officers.

12. *And be it enacted*, That William S. Sharp, of the city of Trenton, be employed to print the annual reports of state officers to the legislature.

Reports printed in German.

13. *And be it enacted*, That Benedict Prieth, of the city of Newark, be employed to print the usual number of the agricultural reports, geological reports, reports

of labor statistics, board of health and such other reports as may be ordered printed in German during the current year.

Report of state treasurer, &c.

14. *And be it enacted*, That Sinnickson Chew, of the city of Camden, county of Camden, be employed to print the report of the state treasurer, report of the board of health and report of the state board of education.

Secretary of state to furnish copy.

15. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Repealer.

16. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act be and are hereby repealed.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCIX.

An Act respecting the compensation of the chancellor and the justices of the supreme court of this state.

Salary of chancellor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor shall be entitled to receive an annual salary, at the rate of three thousand five hundred dollars, to be paid quarterly by the treasurer, upon the warrant of the comptroller.

2. *And be it enacted*, That the chancellor shall be also entitled to receive, for the services hereinafter mentioned, the following fees, and no more:

AS ORDINARY OF THE PREROGATIVE COURT:

Fees in prerogative court.

For making every order or rule, sixty-five cents;
the seal to every citation, monition or process, thirty-five cents;
hearing and determining every appeal, two dollars;

IN THE COURT OF CHANCERY:

Fees in court of chancery.

For the seal to every common writ, thirty cents;
every order on a petition or motion controverted and argued in court, ninety cents;
every order on petition out of court, forty-five cents;
every common motion, fifty cents;
every dismission of a bill for want of prosecution, ninety cents;
every decree, one dollar and seventy-five cents;

Clerk to keep a record and make quarterly statement of amount paid.

which fees shall be paid to the clerk in chancery for the use of the chancellor; said clerk shall keep a true record thereof, and shall render to the comptroller, upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees paid to said clerk for the use of the chancellor during the next preceding quarter.

Not to be allowed addition or compensation.

3. *And be it enacted*, That the chancellor shall not be entitled to receive any compensation, per diem, mileage, fees or allowances whatsoever for any services in any of the courts of this state, in addition to the salary and fees hereinbefore provided for.

Salary of chief justice and associate justices.

4. *And be it enacted*, That the chief justice of the supreme court shall be entitled to receive an annual salary, at the rate of three thousand five hundred dollars, and each of the associate justices of said court shall be entitled to receive an annual salary, at the rate of three thousand dollars; which salaries shall be paid quarterly by the state treasurer upon the warrant of the comptroller.

5. *And be it enacted*, That each of said justices shall be also entitled to receive, for the services hereinafter mentioned, the following fees, and no more:

IN THE SUPREME COURT:

Fees in the supreme court.

Fees to be divided among the justices who are attending court when the service is performed:

For license to an attorney and solicitor,	two dollars;
a license to a counsellor,	three dollars;
the first motion in every cause,	sixty cents;
the trial or argument of every cause,	sixty-five cents;
assessment of damages,	sixty-five cents;
every recognizance,	thirty cents;
every rule in a cause;	twenty cents;
granting writ of habeas corpus,	one dollar and fifty cents;

FEES TO BE PAID TO THE JUSTICE WHO SHALL PERFORM THE SERVICE:

Fees.

On the return of every writ in the circuit court, except subpœna and final process,	one dollar;
For drawing order for bail,	thirty cents;
taking bail,	thirty cents;
every justification or disallowance of bail,	thirty cents;
allowing every writ of error, certiorari, prohibition, procedendo, supercedeas, or other writ, where an allowance is necessary,	thirty-five cents;
making a return of a writ of error, examining and annexing a transcript of the record thereto, and delivering the same to the court of errors and appeals,	one dollar;

Fees.

signing and returning postea, one dollar and fifty cents;
order of commitment of every person surrendered by or in discharge of his bail, twenty-five cents;
the trial or hearing of every cause in the circuit court, two dollars;
signing every judgment, one dollar and thirty-five cents;
hearing every demurrer on certiorari, two dollars;
hearing application to set aside order of arrest, fifty cents;
approving any bill of costs, twenty-five cents;
inspecting any bond and warrant, examining the copies, and entering and signing judgment, on warrant to confess judgment, forty cents;
granting writ of habeas corpus, one dollar and fifty cents;
taking examination of witnesses on return of writ of habeas corpus, three dollars;
every recognizance, sixty-five cents;
examining as to sanity of any convict in the state prison, twenty dollars;
transcribing names of jurors, striking jury and certifying list, one dollar and fifty cents;
appointing commissioners to make assessments in cases of public improvements, three dollars;
hearing objections to any report of such commissioners, two dollars;
confirming and signing any report of such commissioners, five dollars;
all services in the matter of boys brought up for commitment to the state reform school for boys, or of girls brought up

Fees.

for commitment to the state industrial school for girls, in each case, three dollars;
making and issuing order for sale of unclaimed freight, one dollar and fifty cents;
advising with the chancellor, or with the ordinary, or services in matters of reference by the chancellor—such fees as the chancellor or the ordinary may from time to time determine and allow;
every indictment found, fifty cents;
all services in suits in the circuit courts for the foreclosure of mortgages, the same fees as are hereinbefore allowed to the chancellor for like services in the court of chancery.
appointing commissioners, hearing objections, issuing precepts, examining witnesses, making orders, and all services in relation to the partition of lands, ten dollars;
order for sale of lands in proceedings for partition, seventy-five cents;
confirmation of sale, and ordering conveyance, seventy-five cents;
examination of adverse party before trial, for each folio, twenty cents;

Clerk to keep record of fees and make quarterly report to comptroller.

the fees in the supreme court, to be divided among the justices who are attending court when the service is performed, shall be paid to the clerk of the supreme court for the use of the said justices; the said clerk shall keep a true record thereof, and shall render to the comptroller upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees so paid to said clerk during the next preceding quarter; the fees herein prescribed to be paid to the justice who shall perform the service, shall be paid under such rules

and regulations as the justices may prescribe, to the clerks of the respective counties, for the use of said justices, respectively, and the said clerks shall keep a true record thereof, and shall render to the collector of their respective counties upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees paid to such clerks respectively, for the use of said justices, during the next preceding quarter.

Additional compensation disallowed.

6. *And be it enacted*, That the chief justice and the associate justices of the supreme court shall not be entitled to receive any compensation, per diem, mileage, fees or allowances whatsoever, for any services in any of the courts of this state, in addition to the salary and fees hereinbefore provided for.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with any of the provisions of this act, be and the same are hereby repealed, in so far as they are inconsistent herewith, and this act shall be deemed and taken to be a public act, and shall take effect immediately; saving and excepting that so far as the same increases or reduces the fees, compensation or allowances of any of the officers herein named, now in office, it shall take effect only upon and immediately after the end of the present term of office of any such officers, or upon the appointment of their respective successors.

Proviso.

Approved March 14, 1879.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

In respect to the commercial relations between the United States and other countries.

Preamble.

WHEREAS, the government relations which at present subsist between the United States and South America are mainly of a political nature; *and whereas*, the special arrangements of a commercial kind now existing between us and the said South American states are very limited; *and whereas*, a more liberal policy and practice would tend to forward and secure the commercial supremacy of the United States, and assist the more perfect enforcement of the laws of trade; *and whereas*, from her geographical position, New Jersey's commercial interests are paramount to all others; *and whereas*, it seems but consistent with the dictates of prudence that we should prepare, beforehand, to reap our share of the benefits that can be made to accrue from the revival of trade; therefore,

Appointment of commercial agents recommended.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That in conformity with the desirability and in view of the possibility of securing these objects, the United States senators in congress from New Jersey, be and they are hereby instructed, and our representatives are requested to urge upon the general government the appointment of suitable agents to these South American states where no such agents now are,

whose duty it shall be to collect and arrange in tabular form the statistics of the various commercial articles and native products of an exportable character, together with the relative distribution of the same among the various European nations in which they find a market, and report the same to the general government at an early day, in order that measures may be taken to advance by means of treaties, the mutual commercial interests existing between the said several South American states and the United States.

2. *And be it resolved*, That the governor of this state be and he is hereby requested to transmit copies of this resolution to the president and vice president of the United States, and to the governors of the several states whose legislatures are now in session, and to invite their co-operation in the method and object proposed.

Approved February 27, 1879.

NUMBER II.

JOINT RESOLUTION relative to the loan of state arms to Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic.

Preamble.

WHEREAS, Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic, have petitioned for the loan of twenty-four stand of arms and accoutrements, to be used by said post for burial purposes; therefore,

Quartermaster general directed to send arms and accoutrements.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general be, and he is hereby empowered and directed to forward to said Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic, twenty-four stand of arms and accoutrements, not otherwise in use or needed by the militia of this state, taking their receipt therefor, and their agreement to return the same upon

demand, and to preserve and keep the same while in their possession in perfect order.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 14, 1879.

NUMBER III.

Joint Resolution in relation to the appointment of a commission to inquire into the labor of the state prison.

Preamble.

WHEREAS, it is asserted and believed by large numbers of citizens of this state, that prison labor, as at present managed in the state prisons and penitentiaries of this and other states, affects injuriously the welfare and means of living of masses of our mechanics and workingmen, by maintaining an unjust competition with their labor; therefore,

Governor requested to appoint commissioners.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby requested to appoint a commission, to consist of five persons, who shall make a careful inquiry into the subject of prison labor and whether it comes into competition with free labor, and if so, in what manner, and to what extent, and what, in their opinion, is the best means of preventing such competition, and at the same time providing proper maintenance for the prisoners; that said commission shall receive for their services and necessary expenses such compensation as may be approved by the governor; and that they shall report to the governor on or before the meeting of the next session of the legislature.

Approved March 14, 1879.

PROCLAMATIONS.

PROCLAMATIONS

BY

GEO. B. McCLELLAN, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

I, George B. McClellan, Governor of the state of New Jersey, do hereby make proclamation that in accordance with the provisions of "An act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, 1873. The comptroller of the treasury has made report to me under date of July 31, 1878, that the parties interested in certain private acts passed at the legislative session of 1878, have failed to pay the sums assessed thereon and declared to be payable on the same, according to the requirements of the act entitled "An act to increase the revenue of the state of New Jersey," approved March 6, 1858, and the supplement thereto, approved March 18, 1859, and that by reason of such failure the following named acts have become inoperative and void:

I. "An act authorizing Permelia Hubbs to sell the real estate of which he rillegitimate son, Albert C. Edmunds, died seized in the county of Hunterdon, and to dispose

of the proceeds resulting therefrom," approved March 27, 1878.

II. "A supplement to an act entitled 'An act to authorize Reimer Henry Schacht to build a bridge from Morris Island, in Delaware river, to the bank along the Repaupo meadows, and to stake off the channel between the said island and the bank of said Repaupo meadows in the township of Greenwich, Gloucester county, New Jersey,' approved February nineteenth, eighteen hundred and seventy-three," approved March 27, 1878.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this
[L. S.] sixth day of August, A. D., one thousand eight hundred and seventy-eight.

GEO. B. McCLELLAN.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

It is expected of the chief executive of this state that he should set apart a day to be devoted to family rejoicing and the giving of thanks to the Almighty for the blessings He has bestowed upon us as a people.

With this recurring season we have abundant reason to express our gratitude to the Giver of all good gifts. He has preserved to us the blessings of peace; He has granted to the husbandman in ample measure the fruits of his toil; prosperity has again commenced to smile upon our land; we have mercifully been shielded against the pestilence which has wrought such havoc among our brethren of other states, and we have good cause to thank Him, in their behalf, that the course of the seasons has been interrupted in order to bring their terrible trials to a close.

Deeply feeling our dependence upon God, I, George B. McClellan, Governor of the state of New Jersey, do hereby designate Thursday, the twenty-eighth day of November, instant, as a day of public thanksgiving and praise unto Him for all His past mercies, and humble prayer for a continuance of His goodness to us.

The good people of this state know that vast numbers of our fellow citizens—once arrayed in arms against us, but now, through God's mercy, happily reunited with us—have undergone indescribable trials through the ravages of a fatal pestilence. Although the scourge is well nigh ended, yet its consequences still press with fearful weight upon multitudes of the survivors, and still call for relief and aid beyond the power of their immediate neighbors to afford: Therefore, I suggest, that in every church, in every community of this state, arrangements be made to enable every one, according to his or her means and disposition, to offer on the approaching day of Thanksgiving, as a thank-offering to the Lord for His abundant mercies towards us, and as a pledge of our fraternal love to them, money for the relief of our unfortunate fellow-citizens of the afflicted districts of the South.

Given under my hand and seal at the executive chamber, in the city of Trenton, this eighth day of November, in the year of
[L. S.] our Lord one thousand eight hundred and seventy-eight, and of the independence of the United States the one hundred and third.

GEO. B. McCLELLAN.

By the Governor:

JOHN A. HALL,
Private Secretary.

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND THIRD LEGISLATURE.

CHAPTER VIII.

An Act to repeal an act entitled "An act to facilitate the collection of taxes in the township of Woodbridge, in the county of Middlesex," approved April fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to facilitate the collection of taxes, in the township of Woodbridge, in the county of Middlesex," approved April fourth, one thousand eight hundred and seventy-three, be and the same is hereby repealed; *provided, however*, that when lands already sold under said act, shall not be redeemed as in said act provided, the township committee of said township shall execute leases for said lands, in the same manner as if this act had not been enacted. Act repealed. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1879.

CHAPTER XI.

Supplement to an act entitled "An act for the improvement of the town of Red Bank, in the county of Monmouth," approved March seventeenth, one thousand eight hundred and seventy, to authorize and legalize the change of the name of the town of Red Bank, in the county of Monmouth, to that of Shrewsbury City.

Title of board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners and assistant commissioners referred to in the act to which this is a supplement shall be denominated "the board of commissioners of Shrewsbury City," and by that name last aforesaid they and their successors shall and may have perpetual succession, and shall be capable of suing and being sued in all the courts of this state, and by that name last aforesaid may make regulations and ordinances for the purposes referred to in the aforesaid act and supplements thereto.

Change of acts, &c., so as to conform to this act.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this supplement be, and the same are hereby changed so as to conform to the terms and meaning of this supplement.

Question of change of name to be submitted to a vote.

3. *And be it enacted*, That at the first municipal election held in the town of Red Bank after the passage of this act, the question of the change of name of said town as provided for in this act shall be submitted to a vote of the people for their approval or rejection, and if a majority of the legal voters of the said town vote in favor of the proposed change, then the provisions of this act shall immediately go into effect, and it is hereby made the duty of the board of commissioners of the said town to perfect the necessary arrangements for submitting the same to a vote of the people.

4. *And be it enacted,* That this act shall take effect immediately.

Approved February 14, 1879.

CHAPTER XXIV.

An Act to set off from the township of Ocean, in the county of Monmouth, a new township to be called the township of Neptune.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all that part of the township of Ocean contained within the following bounds, that is to say: Beginning at the Atlantic ocean where Great pond empties into the same, and running thence westerly up the middle of said Great pond and the south branch thereof until it intersects a continuation of the centre line of Asbury avenue, in the borough of Asbury Park, in said county; thence continuing the course of said centre line (as the magnetic needle now points) north sixty-seven degrees and fifty minutes, west until it intersects the division line between the township of Ocean and the township of Shrewsbury, in said county, in the middle of the public road leading from Eatontown to Squan, near Benjamin King's storehouse; thence in a southerly direction, along said line to Shark river brook; thence in an easterly direction along the centre of Shark river to the Atlantic ocean; thence northerly along the same to the place of beginning, shall be and hereby is set off from the said township of Ocean and made a separate township, to be called and known as the township of Neptune.

Corporate name.

2. *And be it enacted,* That the inhabitants of the township of Neptune are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Neptune in the county of Monmouth," and shall be entitled to all

Rights and privileges.

the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Monmouth are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said township of Ocean, or any part thereof, so far as the same are or can be applicable to said township of Neptune when set off as aforesaid.

Time and place of holding first meeting.

3. *And be it enacted*, That the inhabitants of the township of Neptune shall hold their first town meeting at Park Hall, in the borough of Asbury Park, in said township, on the second Tuesday in March next, and thenceforward at such place in said township as the inhabitants may appoint at each prior annual town meeting, and that the officers for conducting said first election shall be chosen on the morning of the election immediately before the polls shall be opened, by a viva voce vote of the legal voters there present.

Time and place of meeting of town committee to allot and divide money and property.

4. *And be it enacted*, That the town committees of the townships of Neptune and Ocean shall meet on the first Tuesday of May, anno domini one thousand eight hundred and seventy-nine, at the hotel of John Van Woert, in said township of Ocean, at ten o'clock in the forenoon of said day, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all moneys on hand due or to become due, and all property in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and may adjourn said meeting from time to time, as a majority of those present may think proper, and the inhabitants of each of said townships shall be liable to pay their proportion of the debt and to support the paupers whose settlements are or may be within the boundaries of their respective townships.

Right to surplus revenue not impaired.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said township of Neptune in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

6. *And be it enacted*, That nothing in this act shall be construed to interfere with the officers now elected in that part of the township set off and called Neptune, nor with the commissions of the justices of the peace, nor commissioners of deeds, until they shall expire by their own limitation. Not to interfere with officers now in commission.

7. *And be it enacted*, That nothing in this act contained shall be construed to impair, alter or interfere with any of the corporate rights and privileges of Ocean Grove or Asbury Park, or with any of the provisions of the acts incorporating said places, or of the supplements thereto. Not to impair certain corporate rights and privileges.

8. *And be it enacted*, That the committees of the townships of Ocean and Neptune shall cause the division line to be run and marked when necessary. Division line to be run.

9. *And be it enacted*, That the said township of Neptune shall constitute a part of the second assembly district in said county of Monmouth. To constitute a part of assembly district.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

CHAPTER XLII.

An Act to repeal an act entitled "An act relative to the sale of intoxicating liquors in the township of Woodbridge, county of Middlesex," approved March third, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act relative to the sale of intoxicating liquors in the township of Woodbridge, county of Middlesex," approved March third, one thousand eight hundred and sixty-two, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER L.

An Act to annex a portion of the township of West Hoboken, in the county of Hudson, to the township of Weehawken, in said county.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of West Hoboken, in the county of Hudson, lying within the following described boundaries, that is to say: Beginning at a point formed by the intersection of the westerly line of the township of Weehawken by the northerly boundary line of the city of Hoboken, and running thence westerly and along said northerly line of the city of Hoboken to its intersection with the easterly line of Jefferson street, in said city; thence westerly, and up the hillside, and along the northerly line of the Hoboken land and improvement company's property to a point in said line, distant one hundred feet westerly from Hillside road; thence northerly, and parallel with the said Hillside road, to a point one hundred feet north of Amelia street, in the said township of West Hoboken; thence easterly, and parallel with Amelia street, to a point distant one hundred feet west of the Hackensack turnpike; thence northerly, and parallel with the Hackensack turnpike, to the southerly line of the township of Weehawken; thence easterly, and along the said southerly line of the township of Weehawken, to the westerly line of the township of Weehawken, which lies east of the Hackensack turnpike; and thence southerly, and along the said westerly line of the township of Weehawken, to the point or place of beginning, be and

the same hereby is set apart from the said township of West Hoboken and annexed to the township of Weehawken, and the same shall be included within the limits of the said township of Weehawken.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

CHAPTER LV.

An Act to repeal an act entitled "An act to provide Newark and Jersey City and other places with an ample supply of pure and wholesome water for domestic and other purposes," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide Newark and Jersey City and other places with an ample supply of pure and wholesome water for domestic and other purposes," approved April second, one thousand eight hundred and seventy-three, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 4, 1879.

CHAPTER LIX.

An act to set off from the township of Alexandria, in the county of Hunterdon, a new township to be called the township of Holland.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Alexandria, in the county of Hunterdon, lying within the following boundaries, to wit: Beginning at the Warren county line in the middle of the Musconetcong creek and line of Bethlehem township; (first) south along said Bethlehem line to lands of John Phillips, and corner of Bethlehem line to a corner of lands of John Phillips and Philip Hawk; thence (second) southerly in a line of said John Phillips and Philip Hawk to the middle of the public road leading from Bloomsbury to Little York; (third) thence southerly in the middle of said road and its various courses to the bridge crossing the main creek about one hundred yards north of Apgar's saw mill, thence along the courses of said creek to the head race and mill pond of J. M. and J. Duckworth; (fourth) thence southerly in the centre of said race and pond to where the said water is conveyed under the public road to the said J. M. and J. Duckworth's grist mill, and at the intersection of the centre of said road leading from Little York to Mount Pleasant; (fifth) thence southerly in the centre of said road to Mount Pleasant, at the intersection of the road leading to Frenchtown, opposite the residence of Samuel Scott; (sixth) thence southwesterly in the centre of said road leading to Frenchtown to the intersection of the public road leading from Furman Hawk's to Everittstown; (seventh) thence northwesterly following the centre of said road leading to Furman Hawk's, crossing the public road leading from Milford to Frenchtown, to the centre of a small stream of water

running through Furman Hawk's barn; (eighth) thence north following said stream about one hundred and twenty yards, to its entrance into another creek coming through Dark Hollow to the centre of said creek; (ninth) thence westerly following the centre of said creek to the Delaware river; (tenth) thence northwesterly up the various courses of said river to the Musconetcong creek; (eleventh) thence northeasterly up the various courses of said creek to the place of beginning, be and the same is hereby set off and created into a new township, to be called the township of Holland.

Corporate name

2. *And be it enacted*, That the inhabitants of the said township of Holland are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of Holland in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all the regulations, laws, governments and liabilities to which the inhabitants of the other townships in said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

Place of holding first term meeting.

3. *And be it enacted*, That the inhabitants of the said township of Holland shall hold their first town meeting at the hotel of Henry Cole, otherwise known as the Gibson house, in the village of Milford, in said township of Holland, on the day appointed by law for holding the annual town meeting in the other townships of the county of Hunterdon, and annually thereafter at such place in the said township of Holland as a majority of the legal voters of said township shall determine; that at their said town meeting they shall vote by ballot until it shall be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of the state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and the supplements thereto, shall apply to the inhabitants of the township of Holland.

Annual meetings.

Vote to be by ballot.

Names of judges of election.

4. *And be it enacted*, That Jonas Rapp, Jacob Bunn and Aaron H. Stone, be and they are hereby appointed judges of election to hold and preside over the first town meeting, and Jesse Sinclair is hereby appointed town clerk of

said township of Holland, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting as judge of election or town clerk shall be entitled to hold any office in said township to which they by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy.

Proviso.

Election of officers.

5. *And be it enacted*, That the inhabitants of said township of Holland shall elect such officers as are authorized by law to be chosen in the townships of the county of Hunterdon, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the repair of roads, for the support of the poor, and for such other purposes as may be authorized by law.

Town committees to allot and divide property, &c.

6. *And be it enacted*, That the town committee of the said township of Holland, together with the town committee of Alexandria, shall meet at such time and place within three months after their election as shall be appointed by the town committee of Holland, of which notice in writing shall be served on the town committee of the township of Alexandria at least ten days prior to such meeting, and may adjourn from time to time as a majority of them shall direct; and then and there by writing, signed by a majority of those present, to allot and divide between the said township of Holland and the township of Alexandria all the property and moneys on hand due or to become due in proportion to the taxable property and ratables as valued and assessed by the assessor of the township of Alexandria at the last annual assessment within their respective limits; and the inhabitants of the township of Holland shall be liable to pay their just proportion of the debts, if any there be, and the town committee of the township of Holland, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of said township for the payment of such debts, if there be any, at such time as may be agreed upon between the respective committees; and if any of the town committee of the respective townships shall refuse to attend the meeting aforesaid, those assembled may proceed to make the said division, and

the decision of a majority of those present shall be final and conclusive.

Support of paupers.

7. *And be it enacted*, That all paupers who may be chargeable to the township of Alexandria at the time this act takes effect, shall thereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlements.

Proceedings for road repairs.

8. *And be it enacted*, That the overseers of each road district in the township of Holland, by being notified by two disinterested land holders that his road has become impassable by washes, or slides, or obstructions, shall have the power and authority to expend a sum of money not exceeding ten dollars to make said road good and passable; the expense of said repair to be verified by the persons notifying said overseers and the same to be paid by the moneys raised for making and repairing roads.

Officers in commission not affected.

9. *And be it enacted*, That nothing in this act shall be construed as to interfere with the officers now elected in that part of Alexandria, set off and called the township of Holland, nor with the commissions of justices of the peace or commissioners of deeds, until they shall expire by their own limitation.

Survey of boundary lines.

10. *And be it enacted*, That the committee of the said township of Holland shall cause the boundary lines of said township to be surveyed and marked when necessary.

To form part of assembly district.

11. *And be it enacted*, That the township of Holland shall form part of the second assembly district of the county of Hunterdon.

When act shall take effect.

12. *And be it enacted*, That this act shall take effect on the second Tuesday of March, one thousand eight hundred and seventy-nine.

Passed March 5, 1879.

CHAPTER LXVII.

An Act to confirm the proofs and acknowledgments of deeds and other instruments in writing, taken by Paul S. Heritage, as commissioner of deeds.

Preamble.

WHEREAS, it is represented that Paul S. Heritage, of the township of Mantua, in the county of Gloucester, and state of New Jersey, was duly appointed a commissioner of deeds for the township of Washington, in the county and state aforesaid, and was duly commissioned and sworn into office, and did afterward remove from said township, and under misapprehension has taken the proof and acknowledgment of deeds and other writings since such removal, and doubt has arisen as to the legality of the same; therefore,

Acknowledgments declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all the acknowledgments and proofs of deeds and other instruments in writing, taken and certified to by the said Paul S. Heritage, as commissioner of deeds from the time of his entering into office to the present time be and the same are hereby confirmed and declared valid and effectual in law, and to have the same force and effect as if the said Paul S. Heritage had been lawfully authorized to take the same.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1879.

CHAPTER LXXIII.

An Act to authorize the inhabitants of the township of Downe, in the county of Cumberland, to raise money in the first and second road districts of said township, to pay off the debt on their town hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Downe, in the county of Cumberland, shall have the power and authority to provide by taxation on the taxable property of the first and second road districts of said township, a sum not exceeding five hundred dollars, sufficient to pay off the existing debt on the town hall in the village of Newport, in said township; the amount thus to be raised, to be voted upon and decided at the next road meeting held in said township; viz: on the eighth day of March next. May provide by taxation, for payment of existing debt.

2. *And be it enacted*, That this shall be deemed a public act, and take effect immediately.

Approved March 10, 1879.

CHAPTER LXXIX.

A Supplement to an act entitled "An act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight.

Preamble.

WHEREAS, by an "Act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight, no provision is made for the settlement and adjustment of the estates, assets and liabilities of the township of Union, by said act so set off and divided; as a remedy, therefore,

Committees to meet, settle and adjust liabilities, &c.,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of Union township, as now established, and an equal number of members of the board of councilmen of the town of Guttenberg, to meet and organize at the house of Charles Wurtz, in the township of Union, within ten days after the passage of this act, at ten o'clock in the forenoon; and such joint committee is hereby authorized and directed then and there to proceed ratably to impose and apportion the liabilities, funds, revenues and estates, real and personal, of the former township; and should any such committee or council or members thereof fail to attend, then a majority of members thereof may proceed to make such division and apportionment, setting forth the same in writing, for publication in the first subsequent annual report to be made in each respective town and township; and such joint committee may adjourn from day to day until a fair and proper adjustment shall have been made, and their decision, or the decision of a majority of said joint committee, shall be conclusive and final.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 12, 1879.

CHAPTER CXXVI.

An Act to establish a new school district in the county of Cumberland, to be called the district of Gouldtown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the city of Bridgeton formerly known as the third school district of that part of said city formerly the township of Bridgeton, and all that portion of the township of Fairfield, formerly known as the seventh school district of said township, in the county of Cumberland, shall be and hereby are constituted one school district, to be called the district of Gouldtown, which said district shall be and hereby is made subject to the provisions and requirements, and entitled to the privileges and advantages of the general school law of this state, entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto. District of Gouldtown established.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that so much and such parts of all acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed. Repealer.

Approved March 14, 1879.

CHAPTER CXXXVII.

A Further Supplement to an act entitled "An act for the improvement of the township of Kearney, in the county of Hudson, and to increase the powers of the township committee, in said county," approved April eighth, one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, by section sixty-six of the act to which this is a further supplement, the township committee of the township of Kearney was authorized to issue the bonds of said township to an amount not exceeding ten thousand dollars in the aggregate, for the purpose of purchasing sites for, and building school houses and other buildings in said township; *and whereas*, in accordance with the provisions of said act, bonds to the amount of nine thousand dollars have been issued, and the proceeds thereof expended in the purchase of sites, and in the erection and furnishing of two school buildings in the south and south-east portions of said township; *and whereas*, by the recent improvements in the building up of Arlington, in the northerly portion of said township it has become necessary to provide additional school accommodations for the children of that place; therefore,

Authorized to issue additional bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the amount authorized by the act to which this is a further supplement, the township committee of the township of Kearney, are hereby authorized and empowered, for the purpose of providing an additional public school building for the free instruction of the children of said township, and furnishing the same, to issue, in the corporate name of said township, either coupon or registered bonds, to be denominated on the face thereof "township of Kearney building improvement bonds," to an amount

not to exceed six thousand dollars in the aggregate, to bear interest at the rate of six per centum per annum, payable half-yearly on the first days of January and July of each year, and the principal of said bonds to be payable in not less than ten nor more than thirty years from the date thereof; said bonds shall be signed by the chairman of the board of said township committee, and countersigned and registered by the clerk thereof, and sold at public or private sale at not less than the par or face value thereof, at such times and in such amounts only as may be required for the purpose of this act, and the proceeds of such sales shall be promptly and faithfully applied and paid for the erection, finishing and furnishing of a school house in the northerly part of said township, and for no other purpose whatever; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said board of township committee are hereby authorized and required to assess, levy and collect, as other township taxes are assessed, levied and collected, and add the same to the "public building tax" of said township in each year, a sum sufficient to pay the yearly interest upon said bonds, and as shall produce a fund sufficient to extinguish the principal of said bonds as the same shall become due and payable, and for no other purpose whatever.

Rate of interest and when payable.

How executed.

Proceeds, how applied.

Payment of bonds to be provided for by taxation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

PRIVATE LAWS.

PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND THIRD LEGISLATURE.

CHAPTER XXXIX.

An Act to vest the title to certain real estate in the city of Trenton, county of Mercer, in Sarah Canfield.

Preamble.

WHEREAS, Satura Canfield, late of the city of Trenton, county of Mercer, and state of New Jersey, departed this life, anno domini, one thousand eight hundred and sixty-nine, seized of a certain house and lot of land situate in said city of Trenton, which was conveyed to her by Alexander V. Manning and wife, by deed dated March twenty-fourth, one thousand eight hundred and sixty-five, which deed is recorded in the Mercer county clerk's office, in book of deeds, volume sixty, page three hundred and seventy-one, &c.; *and whereas*, the said Satura Canfield departed this life intestate, leaving Halsey Canfield, her father, and Sarah Canfield, her mother, her surviving; *and whereas*, said Halsey Canfield departed this life, anno domini, one thousand eight hundred and sixty-nine, "eighteen days after the

decease of said Satura Canfield," dying intestate, leaving Sarah Canfield his wife him surviving and leaving no lawful heirs, by reason whereof the said house and lot of his daughter, Satura Canfield, must escheat to the state; therefore,

Title vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, title, interest and right of the said Satura Canfield, deceased, at the time of her death, of, in and to the house and lot above described, be vested in the said Sarah Canfield, her heirs and assigns forever.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER XL.

An Act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which Harriet Burdett died seized, to Henry C. Burdett, her husband.

Title vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the people of the state of New Jersey in, to and upon all the real estate, with the appurtenances thereunto belonging, or in anywise appertaining, situated in the city of Hudson, county of Hudson, and state of New Jersey, whereof the said Harriet Burdett died seized, is hereby released unto and vested in Henry C. Burdett, the husband of said Harriet Burdett, and to his heirs and assigns forever; *providing* there shall be no heirs of the body of the said Harriet Burdett living at the time of the passage of this act, and which said premises are described, and contains as follows:

Proviso.

All that certain lot or parcel of land and premises, situate, lying and being in the city of Hudson, in the county of Hudson, and state of New Jersey, bounded and described as follows: beginning at a point on the line of the Northern Railroad, fifty feet from the southeasterly corner of a lot conveyed by Dougall Dingman and Elmira, his wife, to Hiram Burdett, Jr., by deed, dated September twenty-first, anno domini, one thousand eight hundred and sixty-eight, from thence running along the line of said railroad south thirty-three degrees and one minute, west fifty feet to corner of above mentioned lot; thence south fifty-five degrees and thirty-six minutes, east two hundred and twenty-five feet, more or less, to a post standing on the westerly side of Tonnele avenue, and from thence running along the westerly side of said avenue, north forty-four degrees thirty-one minutes, east fifty feet; thence parallel with the southerly line of said lot to the place of beginning; containing the land within said limits, more or less; being the same premises conveyed to said Harriet Burdett by Dougall Dingman and Elmira, his wife, by deed dated the twenty-first day of September, one thousand eight hundred and sixty-eight. Description of premises.

Approved February 27, 1879.

CHAPTER XLI.

An Act to repeal an Act entitled "An act to incorporate 'Mount Moriah Lodge, number twenty-eight, Ancient Free and Accepted Masons,' located at Bordentown," approved March thirtieth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate 'Mount Moriah Lodge, number twenty-eight, Ancient Free and Accepted Masons,' located at Bordentown," approved March thirtieth, one thousand eight Repealer.

hundred and sixty-five, be and the same is hereby repealed.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 27, 1879.

CHAPTER LVI.

An Act to authorize the trustees of the Delaware Baptist church, near Delaware Station, in the county of Warren, to make sale and conveyance of the church building and lot of land, near Delaware Station.

Preamble,

WHEREAS, the religious organization known as the Delaware Baptist church, worshipping in the Baptist meeting house, located near Delaware Station, in the township of Knowlton, in the county of Warren, and state of New Jersey, has become almost extinct, on account of deaths and removals, and is therefore unable either to support a pastor or maintain stated worship; *and whereas,* the aforesaid house of worship and church property of said religious organization is rapidly falling to decay, and depreciating in value, through the inability of the church members to keep it in proper condition and repair; *and whereas,* the trustees of the said the Delaware Baptist church are desirous to sell the said church building and lot of land belonging to said church property, in the county of Warren, and state of New Jersey, near Delaware Station, and to apply the net proceeds of the sale of the aforesaid property to the benefit of the Baptist church worshipping in Portland, Northampton county, in the state of Pennsylvania, in the erection of a house of worship; therefore,

Trustees authorized to sell and convey church building and lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the trustees of the Delaware Baptist church, near Delaware station, in the county of

Warren, in the state of New Jersey, be, and they are hereby authorized and empowered to sell and convey the said church building and lot in fee simple, to such person or persons, for such sum or sums of money as they can obtain, and apply the net proceeds derived from said sale to the benefit of the Baptist church, worshipping in Portland, in the county of Northampton, in the state of Pennsylvania, and to make and execute an absolute conveyance to the purchaser or purchasers thereof, subject to any existing liens or incumbrances thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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